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UNIVERSITY OF PENNSYLVANIA

THE ESTABLISHMENT OF
MAXIMILIAN'S EMPIRE
IN MEXICO

BY

JOHN MUSSER

A THESIS

PRESENTED TO THE FACULTY OF THE GRADUAT^U IN
PARTIAL FULFILMENT OF THE REQUIR^U S FOR
THE DEGREE OF DOCTOR OF PHILO^U OSOPHY

The Collegiate Press
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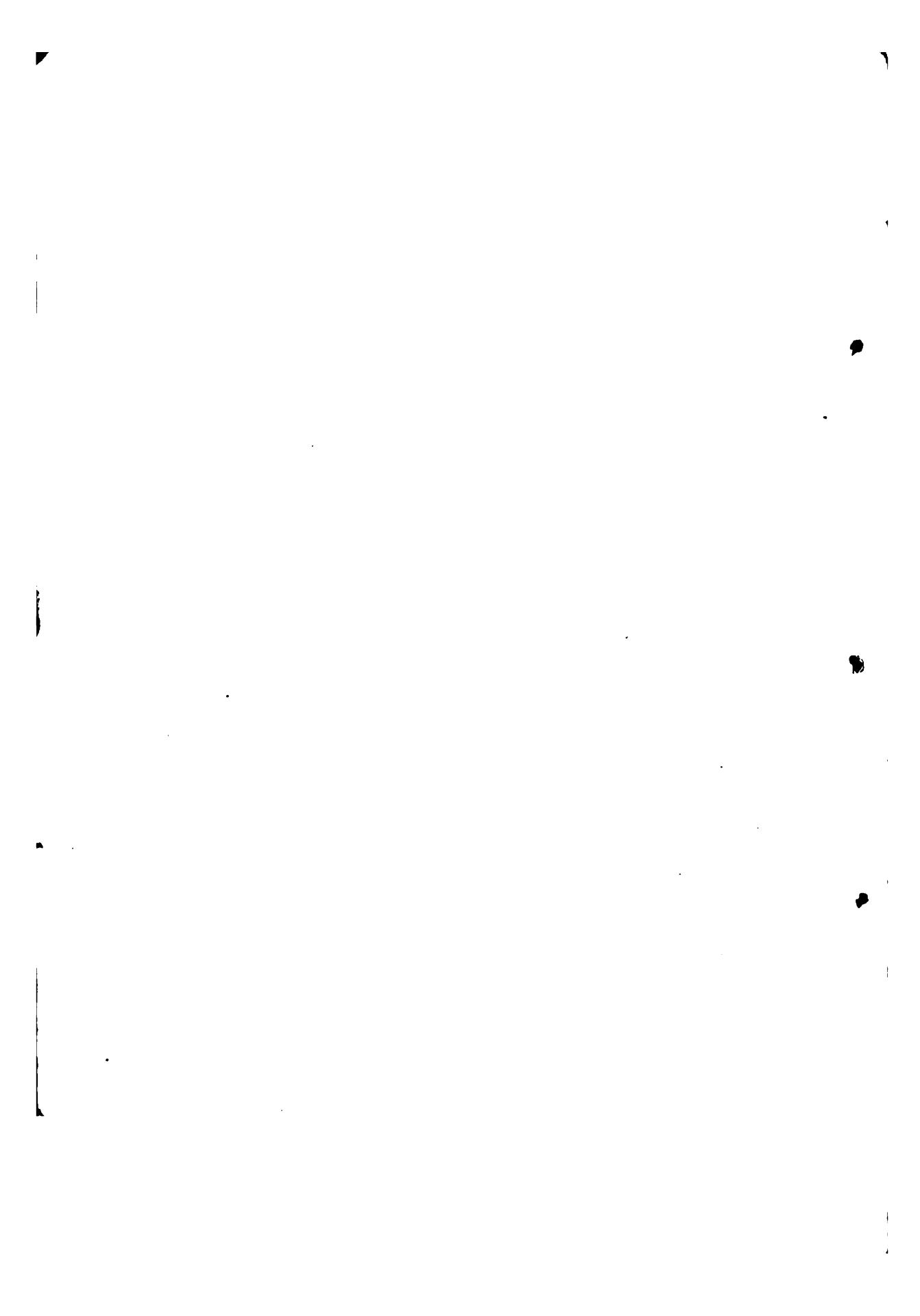
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CHAPTER I

THE BASES OF EUROPEAN INTERVENTION IN MEXICO

The long continued chaos in the internal affairs of Mexico constituted the excuse for the intervention of England, Spain and France in 1861. The key to the conditions which allowed brigands and guerillas to infest the highways to the danger of foreigners, drove leaders of factions to disregard the rights of property, and forced the breaking of international obligations, lay in the long struggle for the separation of church and state which had begun in 1833, almost thirty years before, when Santa Anna for the first time was president of Mexico.¹ After the disavowed action of his liberal vice-president, Valentine Gomez Farias, in securing the passage of the first laws of reform,² the Conservatives with the cry ("Religion y Fueros") began their struggle against innovation and progress, the result of the rising tide of Mexican liberalism, and the dissemination of education.

Finally the liberals seemed to have won success by the establishment of a constitution on February 5, 1857,³ modelled on that of the United States. However, some of its provisions as to church lands and the trial of clerics and soldiers by military law led to the revolt of the Conservatives. Comonfort, the Liberal president, proved traitor. He was soon replaced by a reactionary, General Zuloaga,⁴ and for three years the country was a prey to civil war between two rival governments—the Republicans at Vera Cruz under Benito Juarez, who as Chief Justice of the Supreme Court according to the Constitution succeeded Comonfort, and the reactionaries at the capitol presided over first by Zuloaga, who early in 1859 was succeeded by Miguel Miramon, the youngest and most brilliant of the reactionary leaders.⁵

¹ John W. Foster, "Contest for the Laws of Reform in Mexico," *Am. Hist. Review*, XV, 526-46.

² Alàman, *Historia México* V, 861. Santa Anna, *Mi Historia Militar y Política*, 31-2, in Genero Garcia y Carlos Pereyra, *Documentos Inéditos*, II.

³ House Ex. Docs. 37 Cong. 2 Sess., Vol. 8, No. 100, 140-154. H. H. Bancroft, *History of Mexico*, V, 695-7.

⁴ Buchanan's Message of December 6, 1858, Richardson, *Messages and Papers of the Presidents*, V, 512.

⁵ Lefèvre, *Le Mexique et L'Intervention Européenne*, 70-75, 165-166.

After two defeats outside of the City of Mexico, the Juarists on December 22, 1860, completely overthrew Miramon's army at the battle of Calpulalpam and under the leadership of General Gonzalez Ortega occupied the city on December 25, President Juarez entering on January 10, 1861, amid great enthusiasm.⁶

True to the principles for which they were struggling, Juarez and his government had taken severe measures in regard to the clergy. On July 12, 1859, all ecclesiastical property except the churches and their contents were confiscated to the use of the nation,⁷ on July 23 civil marriage was provided for,⁸ and on the 31st the regulation of cemeteries and burial grounds was taken from the power of the priests.⁹ On December 4, a decree providing for full religious liberty was promulgated.¹⁰

Upon the publication of this last decree in the capitol, the Archbishop of Mexico, Lazano, issued an order on December 29, in direct opposition to it,¹¹ in consequence of which he and several bishops who supported him received orders to leave the country.¹²

During these years of rebellion and revolution, foreign and civil war, citizens of friendly nations had been insulted, robbed, injured and murdered; the financial obligations of the government had not been fulfilled, and President Juarez now found his government held responsible for all these excesses whether committed by Conservatives or Constitutionalists.

Great Britain, always jealous for the rights of her subjects, felt that the many attacks upon them necessitated some action. The British Vice-Consul at Tasco had been shot while attempting to save a Mexican from ill treatment at the hands of the troops of the Liberal

⁶ C. B. Mathew to Earl Russell, December 30, 1860. *British and Foreign State Papers*, Vol. LI, 605-6; Bancroft, *History of Mexico*, V, 793-4; *National Intelligencer*, Jan. 15, 1861. For the political history of Mexico during the three years from 1857-1860, see Bancroft, *History of Mexico* V, 715-802. The underlying causes of the struggle are well described by John W. Foster's "The Contest for The Laws of Reform in Mexico." *Am Hist. Review*, XV, 526-546.

⁷ Dublan y Lozano, *Legislacion Mexicana*, VIII, 675-88.

⁸ *Ibid.*, 691-695.

⁹ Dublan y Lozano, *Legislacion Mexicana*, VIII, 702-5.

¹⁰ *Ibid.*, 762-777.

¹¹ *British and Foreign State Papers*, LI, 625.

¹² Dublan y Lozano, *Leg. Mex.*, IX, 12. Mathew to Russell, Jan. 30, 1861, *Br. and For. St. P.*, LI, 619-20.

Vicario.¹³ Mr. Burnand, an English manufacturer, was attacked by a portion of the Liberal forces on April 2, 1860, who inflicted on him sixteen sabre cuts, necessitating the amputation of an arm and leaving him permanently disabled.¹⁴ Following the second defeat of the Constitutionalists at Tacubaya on April 11, 1859, the Conservative general, Marquez, under an order signed by Miramon, in addition to the officers who fell into his hands, executed eight physicians who had been ministering to the wounded of both parties. Among these was an Englishman, Dr. John Duval.¹⁵ Mr. H. W. Beale, on the night of the 6th of July, 1861, was murdered at his residence in the village of Naples, by a body of assassins crying "Death to foreigners."¹⁶ Others lost their lives by attacks in the streets, in their dwelling houses and on the public roads incidental to the anarchy that prevailed, many were imprisoned and narrowly escaped execution by the interposition of friends among their captors or by purchasing their own release,¹⁷ while those who protested against these outrages found themselves banished from the country.¹⁸

Plunder of stores and dwellings, repeated embargoes of wagons, horses and mules for transport purposes, destruction of goods by fire, violated contracts, forced loans, and extra duties illegally exacted, were all brought to the attention of the British government.¹⁹

As a result of inability to procure compensation for these claims the conditions prevailing during the Three Years' War, the British minister, George B. Mathew, was ordered to withdraw to Jalapa and remain aloof from both parties, the British government refusing to maintain any further relations with Mexico, "unless they see fit to establish either a government possessed of some chance of stability or a provisional arrangement which may appear likely to lead to such a result." In pursuance of these instructions all relations with the Miramon government were severed on October 17.²⁰

¹³ *Br. and For. State Papers*, XLI, 273.

¹⁴ *Ibid.*, 273-4.

¹⁵ *Ibid.*, 274-5. Lefèvre, *Le Mexique et L'Intervention Européenne*, 81-96. *Ibid.*, *Documents Officiels Recueillis dans Le Secrétairerie Privée de Maximilien*, I, 27.

¹⁶ *Br. and For. St. Papers*, LII, 286-9. *Ibid.*, 282.

¹⁷ *Ibid.*, LII, 274, 278.

¹⁸ *Ibid.*, 275, 279.

¹⁹ *Ibid.*, 276-7, 279-82. Cf. Lefèvre, *Doc. Maximilien*, I, 26-7.

²⁰ Lord John Russell to Mathew, Aug. 24, 1860, *Br. and For. St. P.*, Vol. LI, 548
Mathew to Russell, Oct. 29, 1860, *Br. and For. St. P.*, Vol. LI, 560.

On the ninth of September, 1860, a conducta of silver proceeding from Guanajuato and San Luis Potosi to Tampico for embarkation was seized by the Liberals with the subsequent approval, although not the previous order, of the Constitutional leader, General Degollado. In this conducta British subjects had money to the amount of between £80,000 and £100,000 sterling, the rest being the property of French and Spanish subjects.²¹

President Juarez upon hearing of the seizure gave preemptory orders to General Degollado to make restitution,²² and the British Counsul at Mexico, Mr. Glennie, at the request of Mathew proceeded to Lagos, where he had an interview with General Degollado on September 22. He soon found it impossible to secure the restitution of the entire amount, and then demanded the portion belonging to British subjects, and the next day was promised that \$400,000 would be delivered to him at San Luis Potosi.²³ In due course of time the money was handed over to Glennie, who changed it from the sacks in which he received it to new ones, marked "Legacion de Su Majestad Británica."

This afforded Señor Pacheco, the Spanish Ambassador, the opportunity of claiming that some of the sacks restored had borne the marks of Spanish and other foreigners, and should be deemed their property. Mathew, not admitting the legality of this claim, but feeling the necessity of maintaining good will among the foreigners, agreed on the restitution of the sums of money contained in any sacks which could be proved bona fide property of the claimants. However, when Glennie entered Tampico on November 2, the money was seized by order of the Constitutional authorities, represented by General Garza, at the requisition of M. de St. Charles, acting Consul of France, the pretext being that the orders issued to Degollado were, if he could not restore the entire amount, to distribute what was left in equal ratio to all the sufferers. Orders from the Vera Cruz government led to the removal of this attachment and on November 5, General Garza intimated his willingness to restore the money. Before this could be carried out, a judicial sentence was obtained by suit of St. Charles, in virtue of which the

²¹ Mathew to Russell, Sept. 28, 1860, *Br. and For. St. P.*, LI, 550.

²² José de Emparan to Mathew, Sept. 18, 1860, *ibid.*, 557.

²³ Glennie to Mathew, Sept. 23, 1866, *ibid.*, 558.

money was made over to a committee of three merchants for distribution among all persons who had suffered by the pillage of the conducts.²⁴

On the 16th of November, 1860, the reactionaries seized \$660,000 belonging to the British bond holders from the warehouse of the building formerly occupied by Mathew in Mexico City. In the morning General Lagarde presented himself with a search warrant signed by General Marquez, and proceeded to search the warehouse where the money was stored under pretext of looking for a "deposit of arms." Finding that the money which he was actually seeking was under the seal of the legation he left, but soon returned and made a second search. In the afternoon a Colonel Jauregui presented himself with a note from General Marquez ordering the delivery of \$200,000 of the funds at once for the use of the Commissary-General. The agent of the bond holders refused, and was informed if the money was not delivered the government would take it by force. The British Consul was sent for, his protests were useless, as were those of the Spanish Ambassador, who as chief of the Diplomatic Corps had been summoned to add his protest. The seal and lock were broken and a total of \$660,000 taken away, Jauregui leaving behind a receipt for this amount.²⁵

The British bond-holders were loud in their protests.²⁶ Russell stated that "a more lawless outrage was never committed by persons assuming to be a regular government," and as a result on January 12, 1861, he authorized Mr. Mathew to open negotiations with Juarez, and to promise him if he should succeed in establishing his authority in Mexico, and would acknowledge the debt incurred by the de facto government by this act of plunder, that Great Britain would recognize him as the head of the legal government, but in any case the Mexican nation, by no matter whom ruled, would be held responsible for the money seized.²⁷

On the 10th of January the Constitutional forces entered the City of Mexico. Waiting until the new government was firmly established Mathew presented the demands of the British government, requesting

²⁴ Mathew to Russell, Dec. 25, 1860 (enclosing documents), *Br. and For. S. P.*, LII, pp. 588-605. Russell to Mathew, Feb. 27, 1861, *ibid.*, 607-8.

²⁵ Acting Consul Glennie to Mathew (and 13 enclosures) Nov. 21, 1860. *Br. and For. S. P. Papers*, LI, pp. 562-577.

²⁶ Committee of Mexican Bond-holders to Lord Russell, Dec. 14, 1860, *Br. and For. S. P. Papers*, LI, p. 578.

²⁷ Russell to Mathew, *ibid.*, 577.

an answer within forty-eight hours, and on February 19, 1861, received a satisfactory reply. On February 22, 1861, the British government recognized President Juarez as the legal head of the Mexican Republic.²⁸

An added cause of difficulty of long standing lay in the foreign debt of Mexico, largely held by British citizens. Originally the cost of independence, this debt had so grown that it threatened the existence of the Republic.

The first loan negotiated was by a contract signed on the one side by Sr. Don Francisco de Borja Mignoni and the house of Goldsmith, on May 14, 1823, for a loan of £3,200,000, or 16,000,000 piastres, at a discount of 50%, to pay an interest of 5%. The next year on August 25, Barclay & Co. entered into another contract even more onerous, for the same sum, the interest being raised to six per cent, and Barclay & Co. becoming bankrupt when only £89,783 had been delivered, the total interest due on these sums at the end of 1861 was 19,208,250 piastres.²⁹

On October 15, 1842, Mr. Packenham, the British minister, signed a convention with the Mexican government in which it was stipulated that certain recognized claims amounting to \$287,412.09 should be formed into a consolidated fund, to be paid off, capital and interest,

²⁸ The Mexican government agreed:

1. To repay the amount due to Her Majesty's subjects from the seizures of the conducta at Tampico and Lagos, within four months from February 12, at Vera Cruz or Tampico, with interest at the rate of 12%. The amount to be free from export duty.
2. A diplomatic apology for the act of Governor Garza, and a public reprimand to the Governor.
3. When the British flag is hoisted on the British legation, the Mexican flag will be hoisted at the Palace in consideration of the insult done by the rebels.
4. The government promised to make arrangements to repay the \$660,000 seized from the Legation, and the subsequent expenses.

Mathew to Russell, Feb. 25, 1861, *Br. and For. State Papers*, LI, 626-7

Zarco, Min. of Affairs, to Mathews, Feb. 12, 1861, " " 627-9

Mathew to Zarco Feb. 22, 1861, " " 631-2

Zarco to Mathew Feb. 23, 1861, " " 632-4

Mathew to Juarez, No date " " 634

Juarez to Mathew, " " " " 635

Zarco to Mathews, " " " " 635-6

Mathew to Russell, Feb. 28, 1861, " " 630-1

Russell to Mathew, 2, April 5, 1861, " " 636

²⁹ Lefèvre, *Doc. Maximilien*, I, 61-2.

by a percentage on the import duties on the custom-houses of Vera Cruz and Tampico.³⁰

Failure to carry out this convention led to the signature of a second one by Mr. Doyle on December 4, 1851, including not only the claims recognized under the Packenham convention but those recognized by both governments, making a total of \$4,984,914. The Mexican Government obliged itself to pay upon this five per cent as sinking fund, and three per cent as interest until the debt should be paid off, and to meet these obligations to set aside a certain portion of the customs in advance to pay half-yearly dividends. In 1857 the sinking fund should be raised to 6% and the interest to 4%.³¹

Two days after the signature of Mr. Doyle's Convention Senor Zayas, the Spanish Minister to Mexico, signed the so-called Padre Moran Convention on behalf of some Philippine missionaries, upon exactly the same basis.³²

The Mexican government decided to set aside twelve per cent of the import duties for paying the sinking fund and interest on both Conventions, without stipulating any division of the amount between the two.³³

For a time each convention had its own agent in Mexico, but Messrs. Martinez del Rio, naturalized British subjects, took charge of both, and arbitrarily, without informing the British government of the fact, assigned a sixth part of each assignment received to the Padre Moran Convention—and so, as Sir Charles Wyke complained, from 1851 to 1860 the British government and ships of war without knowing it had been laboring not only on behalf of British but also of Spanish interests.³⁴

At the end of the first year the stipulated Custom House assignments were not paid, and to meet this deficit the Mexican Government assigned an additional three per cent until it should be made good.³⁵ This assignment applied only to English claims, yet Messrs. Martinez del

³⁰ For text of Packenham Convention, see *Br. and For. St. Papers*, XLI, pp. 738-40.

³¹ *Br. and For. S. Papers*, XLI, pp. 740-5.

³² The Consolidated fund being \$983,000. Text in *Br. and For. S. P.*, XLI, pp. 745-50. *Derecho Internacional Mexicano*, I, p. 407-9.

³³ *Br. and For. St. P.*, XLI, Feb. 9, 1852, 750-1.

³⁴ Wyke to Russell, Aug. 26, 1861, *Br. and For. S. P.*, LII, 348-356.

³⁵ *Ibid.*

Rio also gave to the Padre Moran Convention one-sixth of this additional three per cent,³⁶ so that by 1857 fifteen per cent of the customs revenues of Tampico and Vera Cruz, and by the Otway Convention, signed on Aug. 10, 1858, the interest of the British Convention was raised to six per cent, and the Mexican government raised their assignment to 16%.³⁷

The assignments were not sufficient to pay the amount stipulated as sinking fund, and in 1859 Captain Dunlop obtained an additional eight per cent to pay arrears amounting to \$1,800,000.³⁸ After the seizure of assignments at Tampico and Vera Cruz, Captain W. C. Oldham obtained a further convention, December 15, 1860, by which five per cent more of the import duties were to be set aside to make up the deficit.³⁹ Both of these assignments were to cease as soon as the sums for which they had been appropriated had been paid. In spite of all these conventions there was a deficit in August of 1861, of \$1,782,521 in the sinking fund provided for by the British Conventions and \$353,880 on the Padre Moran Convention.⁴⁰

In April of 1861, Sir Charles Wyke was dispatched as minister to the new government, with instructions to press all the British claims and to inform the Mexican government that he was authorized to call at once upon the British naval forces to support and if necessary enforce his demands.⁴¹ Wyke found that no steps had been taken to repay the legation robbery nor the remnant still due from the conducta seizure, in spite of the promises made to Mathew,⁴² and in return for his efforts was met with additional promises.

Finally, on June 11, Sr. Don Leon Guzman informed him that owing to the extreme scarcity of money, cash payments were out of the question, and that he was unwilling⁴³ "to make any new promises which he would be under the painful necessity of breaking," and he offered to consign instead to the creditors convents, or even the national

³⁶ Doyle Sub-Convention. Nov. 27, 1852, *Br. and For. S. P.*, XLI, 751-2.

³⁷ *Br. and For. S. P.*, LII, 363-64.

³⁸ *Derecho Internacional Mexicano*, I, p. 684-86.

³⁹ *Derecho Inter. Mex.*, I, 691-2.

⁴⁰ Memorandum on the British Convention. Mexico, Aug. 20, 1861. *Br. and For. St. Papers*, LII, 356-362.

⁴¹ Russell to Wyke, *Br. and For. St. Papers*, LII, p. 237.

⁴² Wyke to Russell, *ibid.*, 254.

⁴³ Wyke to Russell, *ibid.*, May 27, 254, June 24 (3 enclosures), 256.

palace at an equitable price⁴⁴ but this was refused owing to the difficulty the creditors would have in disposing of the real estate in the disturbed condition of the country.⁴⁵

On July 17, 1861, the Congress passed a new financial law suspending all payments for two years, including the assignments for the loan made in London and the foreign countries.⁴⁶

Minister Zamacona's plea of absolute inability to pay⁴⁷ proving unsatisfactory, on July 23, Wyke demanded the immediate withdrawal of the decree within forty-eight hours or the suspension of official intercourse.⁴⁸ His demand was not acceded to,⁴⁹ and on July 25, he temporarily ceased to hold any official correspondence with the Mexican Government.⁵⁰

On November 21, 1861, a new convention was signed satisfactory to Wyke, but was rejected by the Mexican Congress on November 22,⁵¹ the Congress instead satisfying itself by passing a resolution repealing the law of July 17.⁵² The next day Wyke presented his ultimatum,⁵³ and upon its rejection on December 13, 1861, he wrote to Senor Doblado

⁴⁴ Guzman to Wyke, June 11, 1862, *ibid.*, 266-7.

⁴⁵ Wyke to Guzman, June 27, 1862, *ibid.*, 268.

⁴⁶ Dublan y Lozano, *Legis. Mex.*, IX, 243-6; *Br. and For. St. Papers*, 294-7.

⁴⁷ Zamacona to Wyke, July 21, 1861. *Br. and For. St. P.*, LII, 300.

⁴⁸ Wyke to Zamacona, *ibid.*, 306-7.

⁴⁹ Zamacona to Wyke, July 25, 1861, *ibid.*, 308.

⁵⁰ Wyke to Zamacona, July 25, 1861, *ibid.*, 307-8. The result of the trial of the persons guilty of the Legation robbery further incensed Wyke, they being declared innocent of robbery but found guilty of merely "occupying" the funds, a decision which, it was held, freed them from danger of a criminal prosecution, and subjected them to the penalties of a "civil misdemeanor, the only punishment for which is dismissal from offices long ago forfeited, by all parties engaged in the affair." Wyke to Russell (and enclosures), Aug. 12, 1861, *ibid.*, 335-9.

⁵¹ *Br. and For. State Papers*, LII, 405-8.

⁵² *Br. and For. State Papers*, LII, 412 Nov. 26, 1861; Dublan y Lozano, *Legis. Mex.* IX, 327-8.

⁵³ 1. Immediate abrogation of the Law of July 17.

2. That the ports of the Republic commissioners to be named by the British Government should be placed for the purpose of appropriating to the powers having conventions with Mexico the assignments prescribed from the receipts of the Customs Houses, including in the case of Great Britain the sum due from the conducta robbery and that taken from the British Legation.

3. That the Commissioners shall have the power of reducing by one-half or in any less proportion that they think fit, the duties now levied under the existing tariff. *Br. and For. State Papers*, LII, 413-4.

the new minister for foreign affairs, Zamacona having resigned upon presentation of the ultimatum, for his passports,⁵⁴ and withdrew to Vera Cruz, intending to sail for Jamaica, but the news of the impending arrival of the British fleet changed his plans.⁵⁵

The grievances of Spain were of much the same character. In addition to the Padre Moran Convention, there was due under the Old Spanish Convention \$6,633,423; Spanish subjects were claiming \$400,000 for damages to person and property, and \$53,000 due from the Conducta seizure, to which must be added the interest on these sums. In addition, Spanish citizens had purchased a certain quantity of bonds of the internal debt of Mexico, bonds which had never sold at above twelve per cent of their face value. These they had been attempting to get included in the Spanish Convention. Comonfort while president refused, because he held that those who sold them had no power to cede more right than they possessed themselves, and the mere fact that foreigners held these bonds did not change the nature of the debt. After his downfall these claims were again pressed on the administration, and on September 28, 1859, General Almonte made a treaty at Paris with the Spanish Ambassador, by which these bonds were finally comprised in the Spanish Convention. President Juarez, however, refused to recognize his treaty, because he held that the reactionary administration had no right to contract in the name of the Republic.⁵⁶

An added grievance on the part of Spain was the dismissal on the January 12, 1861, of her minister, Joaquin F. Pacheco, along with the Papal Nuncio, the Minister of Guatemala, and the Charge d' Affairs of Ecuador, because of acting on behalf of the reactionaries while the latter forces were occupying the capitol.⁵⁷

Mexico had made three conventions,⁵⁸ with France under which almost \$200,000 were in arrears. Recognized claims for damages and

⁵⁴ Wyke to Dobaldo, Dec. 29, 1861, *ibid.*, 420.

⁵⁵ Wyke to Russell, Dec. 29, 1861, *ibid.*, 420.

⁵⁶ Lefèvre, *Doc. Maximilien*, I, 27-28.

⁵⁷ Lefèvre, *Le Mex. et L'Intervention Europ.* 231-3. For the correspondence see *Br. and For. State Papers*, LI, p. 609-10. Circular to Mexican Legations, explaining the motives for the expulsion, *House Ex. Docs.* 37 Cong. 3rd Sess. Vol. 8, No. 100, p. 104-5.

⁵⁸ 21 January 1851, 10 December 1851, 30 June 1853, Lefèvre, *Doc. Maximilien*, I, 64.

seizures and pending claims made the total due to France approximately \$2,860,000.⁵⁹

French citizens, too, had suffered from the attacks of brigands and guerillas, had been robbed, injured, held for ransom and murdered, while the Mexican government had shown a strange unwillingness or inability to punish the marauders.⁶⁰

With these legitimate grievances against Mexico, the introduction of a larger and more questionable claim against the Mexican government cast suspicion upon the intentions and justice of the French, even before projects of intervention were broached. A Swiss banker named J. B. Jecker, "a notorious fisher in troubled waters,"⁶¹ had come to Mexico some years before and amassed a fortune that was numbered by millions. Such a man, with such a fortune, was not an undesirable friend for anyone wishing to carry on a bold, expensive, and somewhat shady transaction.⁶²

Miramón determined if possible to make use of him and when he and his government were on their last legs and totally penniless, Jecker was approached by Sr. D. Isidore Diaz, Miramón's Minister of Finance, and between the financial abilities of the two, a scheme for their mutual benefit was cooked up. On October 29, 1859, it was decreed⁶³ that \$15,000,000, of which Jecker should receive 5% should be circulated in

⁵⁹ The indebtedness to these three powers as recognized by the Mexican government was as follows:

To England	\$69,994,542.54
" Spain	2,860,762.03
" France, (Including the Jecker expenditures.)	9,460,986.29
 Total	 82,316,290.86

See Manuel Payno y Flores, *Méjico y sus Cuestiones Financieras con La Inglaterra, La España, y La Francia. (Memoria que por orden del Supremo Gobierno Constitucional De La République)*, Complido, Mexico, 1862, pp. 303-6. Lefèvre, *Doc. Maximilien*, I, 60-5, *ibid.*, *Le Mex. et L'Int. Européenne*, 28-9, 294-5.

⁶⁰ For a list of attacks on twenty-nine different French subjects during the early part of 1861 see *Br. and For. St. Papers*, LII, 344-6. Names of seventy-one complainants are given in Lefèvre, *Le Mexique et L'Intervention Européenne*, 334-6.

⁶¹ Lord Robt. Montague, July 15, 1862. *Parl. Debates*, 3rd Series, CLXVIII, 358.

⁶² Hall, *Life of Maximilian I*, 65.

⁶³ Text in Lefèvre, *Le Mexique et L'Intervention Européenne*, 106.

bonds to be taken for taxes and import duties and bearing 6% interest, of which interest Jecker should pay one-half for five years. The holders of old issues could receive in exchange for them Jecker bonds, by paying a percentage in cash varying from 25 to 28%.

Modified by the request of Jecker on January 26, and March 12, of the same year⁶⁴ the final result was to leave the de facto government liable for the sum of \$16,800,000 for about \$1,470,000 actually received, when Jecker and Company went into bankruptcy.⁶⁵

In January of 1861, Jecker was approached by an agent of the duc de Morny as he claims, and in return for a promise of thirty per cent of the profits, was taken under his powerful protection, naturalized as a Frenchman, and his claims urged by the French government to their great discredit.⁶⁶

Dubois de Saligny especially, under preemptory instructions from his government, attempted to press the question to a settlement⁶⁷ but the Juarez government refused to acknowledge the justice of the French claims, although they expressed their willingness to pay the sum actually expended, with five per cent interest thereon.⁶⁸

Saligny, already angry at this refusal, and the suspension of the payments to foreign creditors under the decree of July 17, 1861, had

⁶⁴ Texts in Payno—*Méjico y sus Cuestiones Financieras*, 273-6.

⁶⁵ *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 329. Lefèvre, *Le Mex. et L'Int.*, 116.

⁶⁶ Jecker to Conti, 8 Dec. 1869, Niox, *Expédition du Mexique*, 723. There is no doubt of the interest in this matter of persons high in the favor of Napoleon III. See intercepted Jecker Correspondence published in *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 5, No. 23, 12-24, *ibid.*, Vol. 6, No. 54, 374-87, 460-65.

Doubt of the disinterestedness of de Gabriac and Saligny the French ministers to Mexico was expressed in Parliament. *Parl. Debates*, 3rd Series, CLXVIII, 3580. Later in the Corps Législatif the whole affair was characterized as a discreditable and a scandalous piece of usury, e.g. *Annales du Senate, et du Corps Législatif, Session 1862*, pt. V, 90; *Session 1863*, pt. III, 139; *Session 1865*, pt. VII, 29. cf. also Sara Y. Stevenson, *Maximilian in Mexico*, 18-19 and note; Lefèvre, *Docs. Maximilien*, I, 164-184.

In the "Revue Contemporaine" of 15 January 1868, Jecker published an article in justification of his financial relations with Miramon's government. Detryat, *L'Intervention Française*, 77.

⁶⁷ Saligny to Zarco (Min. for For. Affairs), 2 May, 1861, Lefèvre, *Le Mex. et L'Int.*, p. 127.

⁶⁸ Wyke to Russell, *Br. and For. State Papers*, Vol. LIII, p. 405.

broken off relations with the Mexican government,⁶⁹ when another cause of friction arose. On August 14, 1861, General Ortega returned to Mexico after defeating Marquez at Jalatlaco. To further his political ambitions he magnified the victory, his partisans paraded the streets and were very noisy in their demonstrations. During the evening a large number of them drew up in front of the French legation, where they remained about twenty minutes, shouting "Death to the French Minister, and death to all Frenchmen." A little later a bullet struck near de Saligny, while he was walking up and down the interior of his house.⁷⁰

A meeting of the Diplomatic Corps was held at the residence of Mr. Thomas Corwin, the American Minister on August 16, and a collective note was addressed to the Mexican Government, not only with reference to this attack, but against such demonstrations being allowed to take place without any interference on the part of the police,⁷¹ and while a judicial examination into the affair decided there was no attempt on the life of the minister,⁷² the incident was nevertheless the last straw that broke the back of the French camel.

⁶⁹ Saligny to Zamacona,

July 23, <i>Ex. Docs. 37 Cong. 2 Sess.</i> , Vol. 8, No. 100, 78-9
" 24, " " 80
" 25, " " 86
" 26, " " 93

⁷⁰ Wyke to Russell, *Br. and For. St. Papers*, Vol. LII, P. 340-1.

⁷¹ The representatives of the United States, Belgium, Ecuador, and Prussia to Senor Zamacona, *Br. and For. St. Papers*, LII, 341.

⁷² *House Ex. Docs. 37 Cong. 2 Sess.*, Vol. 8, No. 100, 123-33, contains most of the evidence and the decision of Sr. D. Mariano Arrieta, the Judge who conducted the investigation. Gaulot, *L'Exp. du Mexique*, I, p. 32-3.

CHAPTER II

THE CONVENTION OF LONDON

As early as 1858, Spain, pressed on by the complaints of her subjects, had considered the advisability of interference to secure the fulfillment of Mexico's international obligations.¹ After the signing of the Mon-Almonte treaty it was decided to see to its execution and to the safeguarding of her citizens. Sr. D. J. F. Pacheco was appointed for this purpose. When he arrived at Vera Cruz on May 23, 1860, the French minister de Gabriac was about to leave for France, and in the course of three interviews they found they were in accord in their desire to secure intervention.² De Gabriac returned to use his influence in the counsels of the Emperor. Pacheco by his representations, attempted to further the same,³ and Calderon Collantes, the Spanish minister for Foreign Affairs, alarmed at the state of the relations between the United States and Mexico, urged on England the necessity for joint action.⁴

The English ministers in Mexico, too, advised armed intervention. "Without some foreign interposition the dismemberment of the Republic and a national bankruptcy appear all but inevitable," wrote Mathew.⁵ Wyke stated that there was no hope for redress, "except by the employment of force to exact that which both persuasion and menaces have

¹ Niox, *Expédition du Mexique*, p. 18-19.

² Pacheco wrote to Calderon on May 25, 1860, "He [de Gabriac] will be able to exercise a salutary influence in the counsels of the Emperor. He has maintained and will maintain that a concerted intervention of England, France, and Spain, or at least of the last two powers, is necessary to solve the gravest question of the future, the question of the supremacy, not only in America, but in the entire world, of the expanding and unrestrainable people who occupy the north of the new hemisphere." Destroyat, *L'Intervention Française en Mexique*, p. 7-8.

³ Pacheco to Calderon Collantes, 24 Sept. 1860. 28 Nov. 1860. Destroyat, *L'Intervention Française*, p. 10-11. He also appealed to the Captain General of Cuba to make a military demonstration against Mexico, but Serrano, fearing complications with the United States prudently refused. Niox, *Expédition du Mexique*, p. 19.

⁴ Calderon Collantes to the Spanish Ambassador at London, May 11, 1860. Quoted by Wilson, "Pres. Buchanan's Proposed Intervention in Mexico," *Am. His. Rev.*, V, p. 700, from *Archives Diplomatique*, Tome III, 1862, p. 215.

⁵ Mathew to Russell, 12 May 1861, *Br. and For. State Papers*, LII, p. 251.

hitherto failed to obtain,"⁶ and he urged the seizure of Mexican custom-houses and the confiscation of their revenues to pay foreign claims.⁷

France and Spain first came to an understanding and both about the same time began to induce Great Britain to accept their program. Early in September, 1861, Thouvenal, then French minister for Foreign Affairs, asked Earl Cowley, the English ambassador, to sound his government as to their attitude toward some unity of action to secure indemnity from Mexico.⁸ On September 6, Calderon Collantes addressed a note to the Cabinets of London and Paris, stating that instructions were being sent to the Captain-General of Cuba to put on foot operations against Vera Cruz and Tampico. He asked for the coöperation of England and France, but declared that if this was refused his government would use its forces alone to secure the satisfaction it had a right to demand⁹ and the finality of this decision was impressed on the English ministers in Spain and France.¹⁰

Lord Russell with characteristic caution at first opposed intervention. The inability of foreign armies to extend any permanent or pervading authority over contending factions spread over such a vast extent of territory, the fact that Spanish troops would be an object of dislike and apprehension to the Liberals because of their fear of the restoration of a dominant church with its abuses and religious intolerance, that for the opposite reason British troops would be odious to the Church party, and the alarm which would be excited in both sections of the United States by European interference in the domestic quarrels of an American independent republic, were advanced as reasons for caution. "Without at all yielding to the extravagant pretensions implied by what is called the Monroe Doctrine," he declared, "it would be as a matter of expediency unwise to provoke the ill-feeling of North America, unless some paramount object were in prospect and tolerably sure of attainment."¹¹

The *London Times* on September 10, expressed the hope that the Federal Cabinet at Washington might be disposed to coöperate, but that

⁶ Wyke to Russell, 27 May, 1861, *ibid.*, p. 256.

⁷ Wyke to Russell, 25 June, 1861, *ibid.*, p. 269.

⁸ Earl Cowley to Russell, Sept. 5, 1861, *Br. and For. S. P.*, LII, 320.

⁹ Detroyat *L'Intervention Française*, p. 32.

¹⁰ Sir J. Crampton to Russell, Sept. 13, 1861, *Br. and For. S. P.*, LII, p. 323, Cowley to Russell, Sept. 17, 1861, *ibid.*, 322.

¹¹ Russell to Cowley, Sept. 30, 1861. *Br. and For. State P.*, LII, p. 367.

it was evident that the possibility of further delay was at an end.¹³ About the same time the more prominent firms and individuals having commercial or mining interests in Mexico, or who were creditors of the state, appealed to Russell, declaring there was no security for person or property in that country, within the last twelve months no less than twenty-three Englishmen had been murdered there, and nothing short of foreign intervention would avail to establish tranquility.¹³

Russell, however, placed two essential conditions to the accession of England to any agreement: first, that the coöperation of the United States should be invited; second, that the combined powers should not interfere by force in the internal government of Mexico. These were agreed to by the other powers, altho there was but little expectation that the United States, engrossed in its internal affairs, would turn its attention toward Mexico, and the Spanish government declared its unwillingness to postpone action in order to secure the coöperation of the American government.¹⁴

On October 31, the Convention proposed was signed at London: It provided for intervention in Mexico by the forces of England, Spain and France, the number of troops of each to be agreed upon later, but of sufficient force to seize and occupy different fortresses and military positions on the coast of Mexico. By Article II, "The High Contracting parties engage not to seek for themselves, through the employment of the coercion measures contemplated by the present convention, any acquisition of territory, nor any particular advantage, nor to exercise in the affairs of Mexico any influence tending to abridge the right of the Mexican nation to freely decide upon and establish the form of its government."

A commission of three members, one from each of the contracting powers, was established with full powers to decide upon the questions of the application or distribution of any money which might be recovered from Mexico. By Article IV, the United States, having like claims to

¹³ *London Times*, Sept. 10, 1861.

¹³ *London Times*, 18 Sept. 1861, p. 10.

¹⁴ Russell to Cowley, Sept. 23, 1861, *Br. and For. S. P.*, Vol. LII, 326-7.

Russell to Crampton, Sept. 27, 1861, *Br. and For. S. P.*, Vol. LII, 331-2.

Crampton to Russell, Sept. 21, 1861, *Br. and For. S. P.*, Vol. LII, 370-1.

National Intelligencer, Dec. 11, 1862.

enforce upon the Mexican Republic, was invited to accede to the convention, but no postponement for this purpose was to be made in the dispatch of the joint expedition.¹⁵

¹⁵ Text in *Br. and For. State Papers*, LI, p. 63-65. *House Ex. Docs. 39 Cong. 2nd Sess.*, Vol. 8, No. 100, p. 134-6. *Derecho Internacional Mexicano*, Vol. 1, 692-699, (English, French, and Spanish texts.)

CHAPTER III

THE ATTITUDE OF THE UNITED STATES, 1858-62.

There was scarcely any form of injury which had not been suffered by our citizens, in common with other foreigners, in Mexico during these years of anarchy. American citizens could not visit Mexico without imminent danger. Trade with Mexico, considered of the greatest importance,¹ was impossible except at a risk of loss which prudent men could not be expected to incur. Important contracts involving large expenditures entered into by the central government had been set at defiance by the local governments. Vessels of the United States were fired upon and seized without any legal justification, a consular officer who had protested had been fined and imprisoned for disrespect to the authorities, and large numbers of our citizens had been arrested and imprisoned without any form of examination.²

Claims of our citizens amounting to \$10,000,000, many of them arising out of the violation of an express provision of the Treaty of Guadalupe Hidalgo, remained unredressed and even unnoticed.³

Even the lives of our citizens were valueless in the eyes of Mexican officers. An American named Col. Henry A. Crabbe and his associates, sixty-eight in all, on the mere suspicion of being filibusters were executed without trial in Sonora, and the consequent excitement and suspicion led to the killing of thirty-four others, including four sick Americans who had taken refuge in a house within the territory of the United States.⁴ Among the physicians taken from the hospitals and executed after the battle of Tacubaya by General Marquez, were Robert Oskar and two other Americans.⁵ Ormond Chase was seized and shot on August 7, 1859, and his friends could not even conjecture the cause of his arrest.⁶

¹ *National Intelligencer*, Jan. 25, Feb. 2, 1859.

² Buchanan's Second and Third Annual Messages. Dec. 6, 1858 and Dec. 19, 1859. Richardson, *Message and Papers of the Presidents* V., 512-14, 565-7; *Senate Ex. Docs. 35 Cong. 1st Sess.*, Vol. XII, No. 56; *National Intelligencer*, Oct. 14, Nov. 23, 1858, Jan. 1, 1859.

³ Buchanan's Second Annual Message, Dec. 6, 1858. Richardson, *Messages and Papers*, V, 514.

⁴ *House Ex. Docs. 35 Cong. 1st Sess.*, IX, No. 64.

⁵ *National Intelligencer*, May 3, 10, 1859.

⁶ Buchanan's Third Annual Message. Richardson, *Messages and Papers*, V, 565-6.

The weakness of the Mexican government allowed large bands of hostile and predatory Indians to roam freely over the Mexican states of Chihuahua and Sonora and our adjoining territories, and kept the border in constant alarm by their depredations on remote settlers. The settlement of Arizona was arrested and there was danger that the line of communication with our Pacific coast possessions would be broken.⁷ The activities of ~~Cortina~~, a Mexican bandit, claiming to be an adherent of Miramon along the Rio Grande in the fall and winter of 1859-1860, his invasions of American territory, his murder of American citizens, destruction of property, and pitched battles with American troops, made a frontier war with Mexico seem inevitable.⁸

President Buchanan in his second annual message of December 6, 1858 reviewed the condition of affairs in Mexico, and earnestly urged a temporary protectorate of the United States over the northern provinces of Chihuahua and Sonora, to be withdrawn when local governments capable of performing their duties should be established.⁹

No attention being paid by Congress to his request, in his next annual message, December 19, 1859, he urged the passage of a law "authorizing the President under such conditions as they may deem expedient, to employ a sufficient military force to enter Mexico for purpose of obtaining indemnity for the past and security for the future."¹⁰ These recommendations were wholly disregarded by Congress during the session of 1859-1860. "Indeed they were not even noticed in any of its

⁷Buchanan's Second Annual Message *ibid.*, 514.

⁸ *Sen. Ex. Docs. 36 Cong. 1st Sess.*, Vol. IX, No. 21, No. 24.

National Intelligencer, Jan. 13, 16, 25, Feb. 20, March 1, 8, 14, 26.

New York Daily Tribune Jan. 12, 28, March 1, 16.

⁹ Richardson, V, 514. Gov. Wickliffe in his message to the Legislature of Louisiana approved of Buchanan's proposal to occupy a portion of Mexico. He suggested if it became impossible to "treat with the flitting, deceptive and powerless Governments which so frequently rise and fall at the city of Mexico, it will be easy to arrange matters with each state separately, and by the expressed or implied consent of its people occupy those necessary for the protection of our borders and the progress of the United States. The interference of European Powers in the affairs of the Continent, contrary to the spirit of the Monroe Doctrine and offensive at once to the pride and the interest of this Union, will be best met by a policy looking toward the acquisition of Mexico and Central America. This State has an especial commercial interest in everything which occurs in the Gulf of Mexico, and a great political one in the speedy admission of new Southern States." *National Intelligencer*, Jan. 27, 1859.

¹⁰ Richardson, V, 567-8.

proceedings. The members of both parties were too exclusively occupied in discussing the slavery question and in giving their attention to the approaching presidential election, to devote any portion of their time to the important Mexican question,"¹¹ and a year later Mr. Buchanan had to express regret that no measures had been taken which would have obviated all necessity of further intervention in the affairs of Mexico.¹²

Affairs almost came to a crisis in the spring of 1858, by the protest of our minister, John Forsyth, against a tax on capital issued by the Mexican government on May 15. Forsyth, although the ministers of France and England made no objection,¹³ regarded it in the light of a forced loan, and informed the Mexican Government that it could only collect the tax "upon the peril of its responsibility to the sovereignty of the United States." Following his advice to American citizens, one of them, Solomon Migel refused to pay the tax, his property was seized by armed men, and a decree was issued banishing him from Mexico. Notwithstanding Forsyth's protests the decree was enforced and as a result he suspended relations with the Conservative Government, in which action Secretary Cass concurred.¹⁴

¹¹ James Bassett Moore, *The Works of James Buchanan*, XII, Buchanan's "Mr. Buchanan's Administration on the Eve of the Rebellion," p. 251.

¹² . . . "I deem this a most important consideration. European Governments

would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should thus have been relieved from the obligations of resisting, even by force should this become necessary, any attempt by these governments to deprive our neighboring republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people." Fourth Annual Message, Dec. 3, 1860, Richardson, V, 644-6.

"The President did not apprehend interference in Mexico from any European sovereign except the Emperor of the French. It was his known policy to seek new colonies for France; and his minister exercised great influence over Miramon. Besides, he had previously directed his attention in a special manner to Central America. The President, therefore, watched his proceedings with constant vigilance, under the conviction that should he attempt to colonize the whole or any portion of Mexico, that would almost necessarily involve the United States in a war with France in vindication of the Monroe Doctrine." Buchanan—"Mr. Buchanan's Administration," *loc. cit.*, XII, 252.

¹³ *National Intelligencer*, July 16, and 17, 1858.

¹⁴ Forsyth to Sr. D. Luis Cuevas, Min. of Relations, June 17, 1858. *Sen. Ex. Docs.*, 35 Cong., 2nd Session, vol. I, 42-43. Forsyth to Cass, June 17, 1858, *ibid.*, 41-2; Forsyth to Cass, June 19, 1858, *ibid.*, 44; Forsyth to Cass, July 25, 1858, *ibid.*, 46-47; Cass to Forsyth, July 15, 1858, *ibid.*, 47-8. Buchanan's Second Annual Message. Richardson, V, 513.

Discovering that his recommendations would not be sustained by Congress, Buchanan determined if possible, to accomplish the same objects by treaty stipulations with the Constitutional Government.¹⁵

Upon the favorable report of a special agent sent to investigate the situation in Mexico, Mr. Robert McLane was despatched as minister accredited to President Juarez.¹⁶ He was received by President Juarez on April 6, at Vera Cruz in the presence of an immense multitude of military and civil officials, the army of three thousand five hundred men, the native and foreign population, and deputations from the shipping in port at Sacrificios, amidst the ringing of bells, and firing of salutes from the fortifications and castle. The same day Juarez addressed a manifesto to the Governors of the different states informing them of the recognition of his administration by the Minister for the United States.¹⁷

Senor Mata, the Minister of the Constitutional Government, was received by Buchanan on April 28, 1859. The President in his reply to Mata's address expressed the warmest sympathy for the cause of constitutional liberty in Mexico, and declared he was but echoing the sentiments of the American people.¹⁸

The Reactionary government in turn issued a protest on April 14, 1859 signed by Manuel Diaz de Bonilla condemning the attitude of the United States. It was declared that Mr. Forsyth, after felicitating Zuloaga upon his accession had opened a negotiation by the express orders of his own government, with that of Mexico, for the purpose of concluding a treaty conceding to the United States for a stipulated sum of money a very considerable portion of the national territory and the right of transit in perpetuity across the Isthmus of Tehuantepec. These propositions were rejected as injurious to the good name and vital interests of the public, whereupon they charged the American Minister and the United States Government at once changed their policy, annoying and embarrassing the Government by provoking disagreeable questions, wounding the national honor, and preferring unfounded reclamations—a policy which finally resulted in the withdrawal of the

¹⁵ Fourth Annual Message. Richardson, V, 646.

¹⁶ Third Annual Message. Richardson, V, 564.

¹⁷ *National Intelligencer*, April 18, 1859.

¹⁸ *National Intelligencer*, April 30, 1859.

Legation.¹⁹ The action of Mr. McLane in recognizing the so-called Constitutional Government of Benito Juarez at Vera Cruz was condemned as a step which could have no other object than the aggrandizement of the United States at the expense of the Mexican Republic. As a result the protest declared null and void, and of no effect all contracts, treaties, or conventions which might be entered into by the Cabinet at Washington and the so-called Constitutional Government. The same day, Mr. John Black, our Consul at Mexico, had his exequatur revoked, and he and all other American consuls and vice-consuls were ordered to cease their functions and leave the country.²⁰

On May 24, and July 30, 1857, McLane was authorized to offer \$10,000,000 for Lower California and the right of way from the Rio Grande to Mazatlan and from Arizona to Guaymas,²¹ but a cession of territory was resisted from the commencement as contrary to the clause

¹⁹ There was enough truth in the charge to give it some weight. Forsyth had, as he admits after his break with the administration, secret instructions to "buy a large slice of Mexico, at a price about one-fourth of what the Mexicans valued it at. I worked hard to carry out the hard bargain, but the Mexicans were too cunning to take the offer, and Mr. Buchanan would not allow me to increase the bid." The line proposed followed the Rio Grande north to the parallel of 30° north latitude, then due west to the Yaqui River, and then down this to the Gulf of Mexico—giving the United States the northern corner of Chihuahua, most of Sonora—and all of Lower California. Forsyth declared that "Zuolaga and his whole crew were perfectly willing and greedy for the trade themselves, had agreed to it in fact, but at the last moment got scared, and not daring to pocket the money, have converted their refusal into an immense fund of patriotic and victorious braggadism, which they are now wasting with the hand of a spendthrift." *Mobile Register*, (of which Mr. Forsyth was editor), May 3th and 14th, quoted in *National Intelligencer*, May 12, 19, and 21, 1859. Forsyth's conduct in revealing this secret correspondence met with severe criticism. *National Intelligencer*, May 19, 1859; *Constitution*, May 13, 1869.

²⁰ The Protest and order are printed in full in the *National Intelligencer*, May 6, 1859. Mr. McLane on April 26, 1859 wrote to Sr. D. Melchior Ocampo, Juarez's minister of Foreign Affairs, giving at length his reasons for the recognition of this government. On June 11, 1859, as a result of the massacre of Tacubaya, he wrote to "his Excellency Manuel Diaz de Bonilla, Minister of Foreign Affairs of the Government of which General Miramon is chief executive, city of Mexico," protesting against the interference with Consuls of the United States in the discharge of their consular functions—and against the execution of the Americans—that these outrages would be held in remembrance and redress be demanded and ultimately obtained whatever might be the outcome of the remonstrance. *National Intelligencer*, May 15, July 8, 1859.

²¹ *New York Tribune*, March 20, 1860; *National Intelligencer*, March 21, 1860.

in the constitution prohibiting any alienation of territory and at last was flatly refused, as fatal to the existence of the government.²² This point being abandoned on December 14, 1859, McLane concluded with the government of Juarez, "A Treaty of Transit and Commerce" and "A Convention to enforce Treaty Stipulations" which provided for intervention under certain conditions, and for the payment of a portion of the American claims.²³

On December 17, 1859, O. Munon Lea, Minister of Foreign Affairs of Miramón's government, addressed a protest to the secretary of State of the United States against the ratification of the treaty negotiated by Mr. McLane,²⁴ and a few days later General Miramón issued a protest to the nation calling on all true Mexicans to unite with the forces of his government in resisting foreign aggression,²⁵ while the reactionary press at the capital assailed the treaty with the utmost violence, declaring that the Republic of Mexico had been betrayed and sold, and called upon the United States Senate to reject the treaty under the threat of war to the knife.²⁶

Opposition to intervention had shown itself among the opposition elements including the Republicans from the time it was broached. It was felt that it was against common honesty to take advantage of the condition of affairs in Mexico, and that "we do not need at the

²² *Baltimore Sun*, Sept. 12; *National Intelligencer*, July 30, Sept. 14, Dec. 28, 1859.

²³ The text can be found in full in *National Intelligencer* of Feb. 18, 1860. By the Treaty of Transit and Commerce, the United States received the right of way across Tehuantepec from ocean to ocean for any kind of road to be open to the use of both republics, goods passing over the route to be free from duty, and over this route the United States was to have the privilege of transporting troops. Two other routes were to be provided for, from Camargo and Matamoras to Mazatlan, and from Rancho de Nagales to the Gulf of Mexico in the state of Sonora. For these privileges the United States was to pay Mexico \$4,000,000, one-half to be paid immediately, and the remaining \$2,000,000 to be retained to pay claims of United States citizens against that country. Religious freedom was guaranteed to citizens of the United States resident in Mexico, and they were to be free from forced loans of every description, no matter under what pretext levied. The Convention provided for intervention of either of the parties into the internal affairs of the other, upon the violation of treaties, or if the safety and security of the citizens of the interventionary should be endangered by disorder within the territory of the other.

²⁴ *National Intelligencer*, Jan. 16, 1860.

²⁵ *Ibid.*, February 9, 1860.

²⁶ *New York Tribune*, Jan. 11, 1860; Correspondence dated City of Mexico, Dec. 19, 1859, *National Intelligencer*, Jan. 21, 1860.

present time more room in that direction." Distrust of the President was freely expressed, they felt that in the United States but one side of the story had been heard, and that the government of Miramon, and not that of Juarez was the *de facto* government of Mexico.²⁷

The main point of attack on the McLane-Ocampo Treaty was that it was essentially a measure of annexation in disguise, as under its provisions the United States could throw troops into Mexico whenever, or wherever it pleased, on the nominal plea of protecting transit rights and the rights and interests of our citizens. In addition to an extension of slave territory it was held to be contrary to the essential policy of non-intervention as set forth in Washington's farewell address. Kansas, Nebraska and Utah were pointed to show that we had not governed our own territory with such ease and harmony as to have any occasion to volunteer to govern Mexico. Armed intervention in favor of the government of Juarez, which was openly and declaredly making war on the Catholic Church, it was feared would produce hostility in Rome, Spain and France and arouse sufficient opposition among American Catholics to break down any party and administration which would advocate it. The weakness of the Juarez government at this time was also used as an argument, he having, it was claimed, no Congress to execute a treaty.²⁸

It was defended as affording the amplest protection to American citizens and interests in every possible emergency, and a guarantee of assistance and support to the Mexican government which would probably make the actual introduction of troops unnecessary. Even

²⁷ *National Intelligencer*, Oct. 28, 1855, editorial "What shall we do with Mexico"; April 28; May 7, May 14, and quotations from the *Boston Daily Advertiser* of May 10 and the *Jackson Mississippian* of May 5. Aug. 10, the *National Intelligencer* declared "Consequences" however unworthy of consideration in the judgment of editors who have 'expanded views of national policy' must sometimes be taken into account by practical statesmen." *Ibid.*, Sept. 3, 1859 an editorial with the caption "Thou shalt covet thy neighbor's house or anything that is thy neighbor's"—New Version." *Ibid.*, Sept. 27, 1859. England would have looked with complacency upon the expected absorption of Mexico by the United States in the hope of receiving in that case guarantees for the interest due on Mexico's foreign debt. *National Intelligencer*, July 28, 1859, quoting the *Morning Post* of London, supposed to be the organ of Lord Palmerston. *Ibid.*, July 29, 1859. *London Times*, Jan. 11, and 13, 1860.

²⁸ *National Intelligencer*, July 28, Sept. 27, Dec. 23, Dec. 30, 1859. *Ibid.*, Jan. 10, 1860, devotes four columns to a merciless criticism of Buchanan's foreign policy. *New York Tribune* Jan. 2, 7, 10; Feb. 27, 28; March 22; April 9, 1860.

if the transit routes were worthless it would be wise to pay \$4,000,000 to secure abolition of bigotry and bad government and open the country to the emigration, industry, and commerce of the world. It was declared, to be the last chance left to us of asserting American influence in Mexico and of anticipating the else inevitable interference in the affairs of that country of European powers which would infallibly end by involving us in desperate wars necessitating the expenditure of many times that amount.²⁹

Buchanan transmitted the Treaty and Convention to the Senate on January 4, 1860.³⁰ They were considered from that time until May 31, when they were defeated 18-27, only four northern Senators, and these Democrats, voting in their favor. The vote was reconsidered, but on June 27 action was postponed until the first Monday in December. At that time the excitement over Lincoln's election and secession had reached such a pitch that they were never called up.³¹

Francis P. Blair, Jr., of Missouri, in a speech at the Cooper Institute on January 25, 1860, condemned the treaty as a new plan of conquest for the extension of slavery forced by Southern politicians upon Mr. Buchanan. "The Dred Scott decision having already overthrown our free institutions, would carry slavery into this new conquest, and the system of peonage, the hereditary servitude of debt, would still more readily become assimilated to the peculiar institution. Inexorable indeed is the demand for the extension of slavery which compels Mr. Buchanan to league with an Indian in a war of caste and religion, a war against the property class of Mexico, and to confiscate the estates of that Church, whose members in this country elevated him to the Presidency. The pretext upon which he asks Congress to invest him with power to urge such a war, is that our citizens have been outraged in their persons and property by the Church party in Mexico. Northern citizens are in far more danger in the Southern States and have suffered infinitely more there and in Kansas at the hands of the President's Pro-slavery partisans. And in Utah our troops stand idle, while Brigham Young despoils and murders our citizens. Who can doubt that he owes his immunity from punishment to the fact that he has established Slavery? In the eyes of those who command our President, this is sufficient to entitle him to immunity in his crimes, and in the enjoyment of the 'twin relic of barbarism,' polygamy. The motive which is to precipitate us into a religious war in Mexico, and which is to sheath the sword of Justice in Utah, is the same; it is the extension of Slavery, and when this object can no longer be subserved by the power of this Government, then the Government itself is to be subverted." *New York Tribune*, January 26, 1860.

²⁹ *National Intelligencer*, Dec. 26, 1859, quoting *New Orleans Picayune*. *Ibid.*, Dec. 28, 1859, quoting *New Orleans Delta*. *New York Times*, Dec. 31, 1859.

³⁰ Richardson, *Messages and Papers*, V, 578.

³¹ Howard Lafayette Wilson, "Buchanan's Proposed Intervention in Mexico," *Am. Hist. Review*, V, 687-698 and sources cited.

Soon after the establishment of President Lincoln's government Mr. Thomas Corwin was chosen to represent the United States in Mexico. Mr. Seward wrote to him on April 6, "I find the archives here full of complaints against the Mexican government for violation of contracts and spoliations and cruelties practiced against American citizens. These complaints have been lodged in this department from time to time during the long reign of civil war in which the factions of Mexico have kept that country involved, with a view to having them made the basis of demands for indemnity and satisfaction whenever government should regain in that country sufficient validity to assume a character of responsibility. It is not the President's intention to send forward such claims at the present moment. He willingly defers the performance of a duty which at any time would seem ungracious, until the incoming administration in Mexico shall have had time, if possible, to cement its authority and reduce the yet disturbed elements of society to order and harmony. You will, however, be expected, in some manner which will be with firmness as well as liberality, to keep the government there in mind that such of these claims as shall be found just will, in due time, be presented and urged upon its consideration."³²

Corwin found Mexico exhausted and the financial situation desperate, and almost immediately requested permission to negotiate a treaty which for ample equivalent would provide for the payment by the United States of from five to ten millions to save Mexico from ultimate subjugation by one, or partition of its territory among all, of the European powers. As security he suggested Lower California, it being sparsely settled and "much more valuable than is generally supposed in mineral resources."³³

After the withdrawal of the English and French ministers, and the rumor of the intended occupation of the maritime frontier by England and France, Corwin wrote with marked earnestness, "I beg the department to consider whether, if it be possible, our duty and interest do not require us to prevent the consummation of this scheme." He felt that if the interest on the debt due to English bond-holders, amounting to about two millions a year, could be secured, that alone would put a stop

³² Seward to Corwin, April 6, 1861. *House Ex. Docs. 37 Cong. 2nd Sess.*, vol. 8, no. 100, p. 5-9.

³³ Corwin to Seward, June 29, 1861. *House Ex. Docs. 37 Cong. 2nd Session*, vol. 8, no. 100, pp. 12-14.

to the proposed action. Mexico, he held, would be willing to pledge all her public lands and mineral rights in lower California, Chihuahua, Sonora and Sinaloa for repayment and this would probably end in the cession of the sovereignty to the United States. Such an arrangement would not only extinguish all hope of extending the dominion of a separate southern republic in that direction, but any further attempt in all time to come to establish European power on this continent would cease to occupy the minds of either England or Continental Europe.³⁴ On September 7, he wrote "I wish to be *informed and instructed whether the United States would agree to pay, in money, to this country, at this time, any sum—say five or six or ten millions of dollars—on receiving for it stipulations of any kind from Mexico.*"³⁵ Seward had already written agreeing to his first proposition—authorizing him to negotiate a treaty providing for the assumption by the Government of the United States of the payment of the interest, at three per cent, upon the funded debt of that country for the term of five years from the date of the Decree of July 17, provided that the Government of Mexico would pledge, for the repayment with six per cent interest, all the public lands and mineral rights in Lower California, Chihuahua, Sonora and Sinaloa, the property so pledged to become absolute in the United States at the expiration of the term of six years from the time when the treaty shall go into effect, if such reimbursement should have been made before that time.³⁶ The second proposition Seward was opposed to because the advancement of so large a sum of money, all at once, when our treasury was expending nearly a million a day upon the organization of the army and navy, would encounter upon this ground considerable opposition in the Senate—and further because of the probable improvidence on the part of the Mexican government in applying the subsidy it seemed best to him to ask the advice of the Senate before negotiating such a treaty.³⁷

The British minister, Sir Charles Lennox Wyke, being informed of Corwin's instructions through Lord Lyons, proposed that the custom house assignments should be paid as before, and that any equivalent amount secured from the United States could be applied to the support of the Mexican government and so free it from the necessity of suspend-

³⁴ Corwin to Seward, July 29, 1861, *ibid.*, pp. 15-17.

³⁵ Corwin to Seward, Sept. 7, 1861, *ibid.*, 23-4.

³⁶ Seward to Corwin, Sept. 2, 1861, *ibid.*, 22.

³⁷ Seward to Corwin, Oct. 2, 1861, *ibid.*, 29-30.

ing these payments. Corwin as a result proposed to loan to Mexico five millions for five years at six per cent to be paid in monthly installments of five hundred thousand dollars each, and at the same rate to loan for a term of five years, the sum of \$2,000,000 each year for three years making a total of eleven millions of dollars in all. Payment was to be secured by pledge of the public faith, all the public lands of the republic, and all the national property formerly belonging to the Church. A commission of five, three appointed by the President of Mexico, and two by the President of the United States, was to sit in the city of Mexico with power to survey and sell these lands, grant mineral rights and transmit the money, every time a half million was so raised, to the United States treasury.³⁸

The rejection of the British Treaty negotiated by Wyke³⁹ led Corwin to withdraw his first proposal, and instead to offer a loan of five million dollars payable in monthly installments of half a million, and four millions to be paid in sums of half a million every six months, a total of nine millions to be secured in the same manner as provided in his former offer. For the final completion of this arrangement he awaited further instructions.⁴⁰

While Corwin was using his best efforts to enable Mexico to meet her obligations and so prevent European interposition, Mr. Seward received the invitation of the signatories to accede to the Convention of London.⁴¹

Seward, of course, refused the invitation. Acknowledging the right of the powers represented to resort to war for the redress of their grievances, he expressed the satisfaction of the President at the statement in the treaty that the Powers agreed not to seek any acquisition of territory or any peculiar advantages, nor to exercise any influence which might impair the right of the Mexican people to choose and freely constitute the form of its government. "It is true, as the High Contracting Parties assume, that the United States have, on their part, claims to urge against Mexico. Upon due consideration, however, the President is of the opinion that it would be inexpedient to seek satisfaction of these claims

³⁸ Corwin to Seward, *ibid.*, pp. 31-34.

³⁹ *British and Foreign State Papers*, LII, p. 405-8.

⁴⁰ *House Ex. Docs. 37 Cong. 2nd Sess.*, vol. 8, no. 100, pp. 34-6.

⁴¹ MM. Tassara and Mercier, and Lord Lyons to Mr. Seward, Nov. 30, 1861. *Br. and For. State Papers*, LII, 391-2. *House Ex. Docs. 37 Cong. 2nd Sess.*, vol. 8, no. 100, 185.

at this time through an act of accession to the Convention. Among the reasons for this decision which the Undersigned is authorized to assign are first, that the United States, so far as is practicable, prefer to adhere to a traditional policy recommended to them by the father of their country, and confirmed by happy experience, which forbids their making alliances with foreign nations. Secondly, Mexico being a neighbor of the United States on this continent, and possessing a system of government similar to our own in many of its important features, the United States mutually cherish a decided good will toward that republic and a lively interest in its security, prosperity, and welfare.

"Animated by these sentiments, the United States do not feel inclined to resort to forcible remedies for their claims at the present moment, when the Government of Mexico is deeply disturbed by faction within and exposed to war with foreign nations; and, of course, the same sentiments render them still more disinclined to allied war against Mexico than to war to be urged against her by themselves alone." The plenipotentiaries were also informed of the negotiations being carried on by Corwin to provide material aid "which it is hoped may enable that republic to satisfy the just claims and demands of the said sovereigns, and so avert the war which these sovereigns have agreed among each other to levy against Mexico. The sovereigns need not be informed that this proposal to Mexico has been made, not in hostility to them, but with a knowledge of the proceeding jointly communicated to them, and with the hope that they might find, through the increased ability of Mexico to result from the treaty, and her willingness to treat with them upon just terms, a mode of averting the hostilities which it is the object of the convention now under consideration to inaugurate."⁴³

The repeated request of President Lincoln to the Senate for an expression of opinion as to the advisability of Corwin's proposals, led to the passing of a resolution on February 25, "that it is not advisable to negotiate a treaty that will require the United States to assume any portion of the principle or interest of the debt of Mexico, or that will require the concurrence of European powers."⁴⁴ This was directly con-

⁴³ Seward to MM. Tassara and Mercier, and Lord Lyons, Dec. 4, 1861. *House Ex. Docs.*, 37 Cong. 2nd Sess., vol. 8, no. 100, 187-90.

⁴⁴ Pres. Lincoln to the Senate, Dec. 17, 1861, Richardson, V, 60. Pres. Lincoln to the Senate, Jan. 24, 1862, Richardson, VI, 63.

⁴⁵ *House Ex. Docs.*, 37 Cong. 2nd Sess., vol. 8, no. 100, p. 49. "The resolution . . . was adopted by a great majority of votes. It is said 28 to 8. The opposition was

trary to Seward's expectations for on February 15, he had written Corwin that the two things the Senate would require in any treaty would be, first, that the aid rendered Mexico would be in the form of the assumption of interest, secondly, that the aid should be guaranteed to be effectual in securing Mexico a release from all her complications with the allies now making war upon her,⁴⁴ and consequently necessitated a modification of his instructions to conform with the resolutions.⁴⁵

Corwin owing to the disturbed conditions in Mexico did not receive Seward's letter containing the resolutions of the Senate for a long interval of time, and proceeded to sign a treaty with Mexico, and a second treaty designed to perfect the details of the first mentioned treaty. A loan of \$11,000,000 was provided for, \$2,000,000 to be paid immediately upon the ratification of the treaty, and the remainder by installments during the next sixteen months. The public lands and confiscated estates of the Church were pledged for the repayment of the loan.⁴⁶

The French Commissioners de Saligny and Admiral Jurien on April 16, 1862 entered protest against this treaty. The *ad interim* Minister of Relations, Jess Teran, replied that the Mexican government recognized no right in the commissioners to oppose themselves to the treaties it may celebrate with any foreign power, and that their protest would be disregarded.

Spain too, was much concerned over this treaty. Calderon Collantes on July 4, 1862 informed the American minister, Horatio J. Perry that public opinion had been greatly excited over the reports that had reached Spain, and that he was very desirous to hear from the government of the United States on this subject. Perry, however, assured him that the United States was not desirous of territorial

siad to combine three classes. One who think that Mexico ought never, in any contingency whatever, either in whole or in part to be brought into the Union, and who fels that a loan would result in its annexation, and others who think it is derogating from the national honor to treat at all with foreign nations concerning Mexico. There wa said to be a third class, who feared the influence of subsidies to a foreign state upon the public credit. . . ." Seward to Corwin, June 24, 1862, *Dip. Corr.*, 1862, pp. 748-9.

⁴⁴ *Ibid.*, Seward to Corwin, Feb. 15, 1862, 48-9.

⁴⁵ Seward to Corwin, Feb. 28, 1862, *ibid.*, pp. 49.

⁴⁶ Corwin to Seward, April 28, 1862. *Dip. Corr. 1862*, p. 739-40. Seward to Corwin, May 28, 1862, *Dip. Corr. 1862*, p. 747. Wyke to Russell, April 29, 1862, *Br. and For. St. Papers*, LIII, pp. 570-3.

aggrandizement on the south of our present frontiers and was able to allay his fears by reading him a dispatch from Seward authorizing the expression of "the disposition of the United States to cultivate at home and abroad respect for the sovereignty and the independence of nations as the most effectual security for peace and the progress of civilization."⁴⁸

Collantes perhaps without realizing the irony of his reply remarked "It was a neglect of this principle which alone could bring on serious complications."⁴⁹

The attitude taken by the Senate earlier in the year left but little hope that the new treaties would be ratified.⁵⁰ They were, however, submitted to the Senate by President Lincoln on June 23, 1862,⁵¹ only to be laid on the table, and never considered.⁵² The Mexican government seemed to have no doubt of the ratification of the treaties, and went so far as to negotiate drafts upon the United States, which had to be protested by this government.⁵³

There seems to be no evidence that these negotiations were not carried on in good faith by the United States government in the hope of satisfying the legitimate claimants of damages against Mexico and preventing intervention. The form of all the proposals, however, was unsatisfactory, and if ratified would have further endangered our foreign relations, especially in regard to Great Britain with whom we had already sufficient points of difference.⁵⁴

⁴⁸ Seward to Perry, May 29, 1862. *Dip. Corr., 1862*, p. 471.

⁴⁹ Perry to Seward, July 7, 1862. *Dip. Corr., 1862*, pp. 507-9.

⁵⁰ Seward to Corwin, June 7, 1862. *Dip. Corr., 1862*, p. 748. Seward to Corwin June 24. *Dip. Corr., 1862*, pp. 748-9.

⁵¹ Richardson, VI, pp. 81-2.

⁵² Seward to Corwin, July 14, 1862. *Dip. Corr., 1862*, p. 388. *National Intelligencer*, July 14, 1862.

⁵³ Seward to Dayton, Aug. 23, 1862, *Dip. Corr., 1862* p. 388.

⁵⁴ Cf. Russell to Earl Cowley, Sept. 27, 1861. *Br. and For. State Papers*, LII, pp. 329-31 for objections to the earlier form of the proposed loan.

CHAPTER IV

THE ALLIES IN MEXICO

After the signing of the Convention of London, it was agreed by the allied powers that the expeditionary forces should consist of six thousand Spaniards and three thousand French. England was to contribute a strong naval division, two line-of-battle ships, four frigates, several smaller vessels, and a landing force of seven hundred marines.¹

The plenipotentiaries were, on the part of England, Sir Charles Lennox Wyke, and Commodore Dunlop, the latter taking the place of Sir Alexander Milne, who owing to the trouble with the United States over the Trent Affair, had been put in command of all the British naval forces in the western Atlantic;² and on the part of France, Dubois de Saligny and Rear Admiral Jurien de la Gravière. Spain sent only General Juan Prim, Conde de Reus and Marqués de los Castillejos, as both commander of her contingent and commissioner.³

On December 14, 1861, the Spanish fleet under Admiral Joaquin Gutierrez de Rubalcoaba sailed into the harbor of Vera Cruz and demanded the surrender of the city within twenty-four hours.⁴ Upon the indignant protest of the governor,⁵ the next day the Spaniards took possession of the dismantled fortress of San Juan d'Ulloa, and on the 17th, without opposition, disembarked and entered the city.⁶ The commandant of the forces landed, General Emmanuel Gasset y Mercader, issued on December seventeenth, two proclamations to the people of Vera Cruz, the one to reassure them of their personal safety, and declaring that the Spanish troops "have no mission of conquest, no interested views. They are led solely by the duty of demanding satisfaction for the non-fulfillment of treaties, and for the acts of violence

¹ Niox, *Expedition De Mexique*, 39-40, for detailed account of the French forces see Niox, 47-50, and 733. Most of the troops were veterans from Algeria. For Spanish contingent, *ibid.*, 62-3, note; Lefèvre, *Le Mex. et L'Intervention Européenne*, 305-6.

² Niox, p. 45.

³ Niox, p. 40.

⁴ Lefèvre, *Mexique et L'Intervention Européenne*, 306-8.

⁵ Ignacio de la Llave to Rubalcoaba, 14 Dec., 1861, *ibid.*, 313-4.

⁶ Niox, *Expedition du Mexique*, p. 60; Lefèvre, *Le Mexique et L'Int.*, 314-5. Lefèvre, *Docs. Maximilien*, I, 119-130.

committed upon our fellow-countrymen, as well as by the necessity of obtaining guarantees that similar outrages shall not be repeated."⁷ The other placed the town and shores in the possession of the Spanish troops in a state of seige, and established a permanent military commission to take cognisance of all acts of crime or violence.⁸ The good effect intended to be produced by the first of these proclamations would have been destroyed no doubt by the knowledge of one issued on the previous day to the soldiers of the expedition, in which it was likened to that of Cortes, and their mission to prove that Spain is never insulted with impunity, and that distances disappear when her honour is called in question.⁹

The combined expedition of France and England, having sailed late in the month of November, 1861, arrived before Vera Cruz on January 7, 1862, and at once began to disembark their troops.¹⁰

The first conference of the Joint Commissioners was held on January 9, 1862, and even as early as this time the disaccord between the three interventions was evident. That this was inevitable is seen by the instructions given to the Commissioners.

Admiral Jurien was ordered first to occupy the ports on the Gulf of Mexico, and hold them until the complete solution of the pending difficulties, collecting the customs duties in the name of the three powers. Second, the dignity of France and the danger resulting from the unhealthy condition of the coast might, if the local authorities refused "d'entrer en rapport avec les allies," make it necessary "de s'avancer jusqu' à Mexico." Third, where the allied powers had no other intentions than those indicated in the Convention, when they interdicted interference in the internal affairs of Mexico, yet the presence of the allied forces might lead the "sound portion" of the population to make an effort to constitute a government presenting guarantees of strength and ability, which was lacking in those which had followed each other since the emancipation. Jurien was ordered not to discourage the plans of such a nature nor refuse his "moral support" if the position of the men who take the initiative and sympathy which they meet with from

⁷ Br. and For. St. Papers, LIII, p. 387.

⁸ Lefèvre, *Le Mexique et L'Intervention*, p. 315; Br. and For. State Papers, LIII, pp. 387-8.

⁹ General Order of Dec. 16, 1861, Br. and For. St. Papers, LIII, p. 356-7, quoted from *Diario Español*, Jan. 23, 1862.

¹⁰ Lefèvre, *Le Mexique et L'Interv.*, p. 337.

the mass of the population promise some chance of their success.¹¹ These instructions were completed by confidential information putting him in possession of the plans of the monarchical restoration in favor of the Archduke Ferdinand Maximilian of Austria. He was ordered to second a movement of that kind but not to provoke it.¹²

The French government had made known their desire that the Spanish troops would be charged to advance to the city of Mexico, and the Cabinet of Madrid assented immediately.¹³ General Prim was ordered to act energetically to prevent the decimating effect of the climate on his troops, and to go in search of the Mexican government, wherever they might be, to impose conditions on them. He, too, was in possession of the plans of the reactionary monarchists, now well under way, but the candidature of an Austrian prince being displeasing to Spain he was not recommended to lend his aid, but he was ordered "de ne pas contrarier" any efforts to establish a government which would be the true expression of the wishes of the country.¹⁴

The instructions given by the English Government were exactly to the contrary effect. On November 1, Russell wrote to Sir Charles Wyke to be careful to observe with strictness Article II of the Convention, by which it was required that no influence should be used in the internal affairs of Mexico calculated to prejudice the right of the Mexican nation freely to chose and establish its own form of government.¹⁵ Learning of the fact that the French had supposed that the allies, rather than allow themselves to be baffled or defeated with impunity, would march on Mexico, he informed Wyke that the marines were not a fit force in either equipment or amount to take part in such a march, but it was essential that uniformity should be preserved in the demands to be made upon the de facto government of Mexico.¹⁶

¹¹ Thouvenal to Admiral Jurien de la Gravière, Nov. 11, 1861. Lefèvre, *Le Mexique et L'Intervention Européenne*, 322-6; Niox, 43-4.

¹² Niox, *L'Expedition du Mexique*, pp. 44.

¹³ Ambassador at Madrid to Thouvenal, Nov. 6, 1861, Niox, p. 45.

¹⁴ Niox, *loc. cit.*, 46. Prim had declared to our Minister to Spain, Mr. Carl Schurz, before he sailed that it was absurd to think of establishing a monarchy in Mexico, all the traditions of the people were republican, and he was sure that there were but few Mexicans who seriously thought of introducing monarchical institutions. Notwithstanding what his government might think of it, he should act as he saw fit, and be true to his liberal principles. Schurz, *Reminiscences*, II, 297-300.

¹⁵ Russell to Wyke, Nov. 15, 1861, *ibid.*, p. 381.

¹⁶ Russell to Wyke, Nov. 1, 1861, *Br. and For. S. P.*, vol. LII, p. 380.

At this first conference General Prim proposed: 1. The necessity of pointing out to the Mexican people the justice of the intervention, and the amicable spirit towards them in which it was offered, and in which it would be acted upon if properly received by them, and he presented the draft of a proclamation which after slight modifications was agreed upon. 2. That a short note should be addressed to the Mexican government explaining the views of the respective governments and at the same time enclosing a separate ultimatum in the name of each Commissioner.

The French and Spanish Commissioners agreed that it would be necessary to look for a more healthy location for the troops than the town, although the English protested that the nature of their instructions, as well as the lack of tents and equipage forbade them from allowing the marines to engage in any operations away from the coast.¹⁷

The Proclamation issued on January 10, declared that the faith of treaties broken by the various governments, and the personal safety of their countrymen, continually menaced, made the intervention necessary. This alone was their purpose in coming to Mexico. "Those deceive you who would have you believe that behind demands as just as they are legitimate, are hidden plans of conquest, of restorations, or of intervention in your policy of administration." It was for the Mexicans alone, without the intervention of foreigners to constitute themselves in a solid and permanent manner, the allies came only to stretch out a friendly hand to a people suffering from civil war and internal convolution.¹⁸

At the second conference, January 10, it was decided that a joint note should be addressed to the President of the Republic, and the

¹⁷ Wyke to Russell, Jan. 16, 1862, *Br. and For. St. P.*, LIII, p. 396.

¹⁸ Both England and France disapproved of the Proclamation; especially the references to the constitution of the government in a permanent and solid manner. Thouvenal told Earl Cowley on Feb. 21, that he could not understand why it had been made to appear that this, rather than redressment of past wrongs, seemed to have been the purpose of the intervention. Russell severely censured Wyke for his part in the matter. The Proclamation was made an object of ridicule in Parliament. It appeared as though copied "from the Chinese, one of the most bombastic, inflated, high-stilted documents ever penned." "A Peace Proclamation, backed by some rifled cannon, a few thousand soldiers, and a large fleet." Cowley to Russell, Feb. 21, 1862, *Br. and For. St. P.*, LIII, p. 692; Russell to Wyke, Feb. 24 (2) Feb. 25, 1862, *ibid.*, pp. 392-3. *Parl. Debates, Third Series*, CLXV, p. 1271.

separate demands should be enclosed therein and directed to the Minister for Foreign Affairs.¹⁹

At the third conference, on January 13, the ultimata of the three countries were presented. Spain demanded 1st, the immediate nomination of a representative of the Republic who should go to Madrid to make a full diplomatic apology for the expulsion of Ambassador Pacheco; 2nd, the immediate fulfillment of the Mon-Almonte treaty; 3rd, indemnity for injuries to Spanish citizens, the recognition of the right of Spain to demand compensation for such past or future injuries, the exemplary punishment of the perpetrators, and of the authorities who did not attempt to prevent them; 4th, the payment of \$40,000 for the seizure of the Spanish bark "Conception."²⁰

The British demands were:

1st. A positive guarantee for the fulfillment of the various treaties and Conventions.

2nd. That the \$660,000 taken from the British legation, and the \$279,000 still due on the money taken from the conducta at Laguna Seca should be immediately paid with 6% on the first sum, and 12% on the second from the day of seizure, and that the money which was seized by the customs house authorities under the law of July 17, should be repaid with 6% interest.

3rd. Inventories named by the British Government with power of reducing the import duties by one-half should be placed at the ports of the Republic.

4th. All acknowledged claims due British subjects should be at once liquidated, all others should be examined into and if found just, should be paid with as little delay as possible.²¹

Owing to the illness of de Saligny, the French claims were presented by Admiral Jurien. It placed at the sum of \$12,000,000 the damages to French citizens prior to July 31, 1861, which must be paid by the Mexican government. In addition to this was a sum, "qui serait fixée ultérieurement, par les plénipotentiaires français," for damages due since that time. The convention of 1853 was to be fully carried out. Art. III provided for the full, rightful and immediate fulfillment

¹⁹ Wyke to Russell, Jan. 17, 1862. *Br. and For. St. P.*, LIII, p. 399-400.

²⁰ Proposed despatch from the Count de Reus to General Doblado, *Br. and For. St. Papers*, LIII, pp. 409-10.

²¹ Proposed despatch from Sir C. Wyke to Gen. Doblado, *ibid.*, p. 410.

of the contract concluded in the month of February, 1859, between the Mexican government and the House of Jecker. The authors of the attack on de Saligny were to be sought out and punished, and an apology made for the attack. French ministers or agents were to have the right to be present at the trials of French citizens in Mexico. As guarantee of the execution of these demands France was to hold Vera Cruz, Tampico, and other ports of the Republic, and install in them French Commissioners.²²

The Spanish and English Commissioners held these demands, especially that for \$12,000,000 without an account, and those of Jecker & Co., to be exorbitant.²³

Russell upheld Wyke in his refusal to support the French demands and ordered him to give no support to the Jecker claims if further urged. At the same time he took up the matter with the French government and the French ambassador in England. Thouvenal, the French Minister for Foreign Affairs, supported the Jecker claim on the grounds that

²² Ultimatum proposed to be presented to the Mexican Government by the French Commissioners, *Br. and For. St. Papers*, LIII, 407-8; Niox, 69-71; Gavlot, *L'Expedition du Mexique*, I, p. 41-2.

²³ Wyke explained his opposition to these claims in a letter to Russell on Jan. 19. "Amongst the body of foreign residents in this unfortunate country, 19 out of 20 bear a claim of some sort against the government; many of them are really founded in justice, whilst others have been trumped up and fabricated as good speculations to obtain money as compensation for some imaginary injury, such as a three days' imprisonment, which they have brought on themselves purposely, for the sake of establishing a claim, which they then bring forward at some exorbitant rate." Under such conditions Saligny "fixes the amount of French unsettled claims at \$12,000,000, stating that he has not examined into them, as it would take him at least a twelve month to do so; but his government having instructed him to name some particular sum for the liquidation thereof, he has named the one above mentioned as being what he considers an approximation to their value by a million or two more or less. Now, it becomes evident from such a statement, that this is a very loose way of handling such an operation as this, and the more so as the French demand is, that this and other sums claimed shall be fixed without discussions by the Mexican Government, which is thus debarred from having the justice of the claims examined into by either themselves or by some third party." The Jecker Affair comes in for condemnation, Wyke declares that the government was always willing to repay the original sum lent with 5% interest, but repudiated the idea of their being liable for fifteen millions. "I need hardly say that such terms as these have never been accepted, and any attempts to enforce such demands must have brought on immediate hostilities between the Mexican Government and the Allies." *Br. and For. St. Papers*, LIII, pp. 403-7.

French subjects had advanced money to Jecker & Co. on the strength of his contract with the Mexican government, and it was therefore not a question of the repayment of money received by the Mexican government, but the honoring of loans for which value had been given. He, however, seemed willing to establish a French Commission to examine into the claims for which the \$12,000,000 had been demanded.²⁴

On January 14, however, a joint note was drawn up addressed to the President of Mexico, which, indefinite though it was, sufficed to open the negotiations with the Mexican Government.²⁵ Doblado, the minister for Foreign Affairs, replied in a note dated January 23, that the Mexican Government did not believe that three great powers had united in order to come and render sterile in one day, the heroic efforts that a friendly people had made during three years to follow the path of progress and of morals, and material improvements. His government he declared was ready to recognize all just claims, and to repair the national credit injured by involuntary deficiencies. For this purpose he invited the representatives of the Allied Powers to come to Orizaba with a guard of honor of two thousand men, and meet the commissioners the Mexican Government would send to treat with them. At the same time he requested that the rest of the allied troops should embark so that any arrangement made could not be objected to as wrung from Mexico by armed force.²⁶

This proposal was refused, and on February 2, the Allies addressed a note to General Doblado, stating that it was absolutely necessary that they should occupy as soon as possible a more healthy encampment for their troops, and informed them that about the middle of the month the allied forces would advance to Orizaba or Jalapa for this purpose.²⁷

* Russell to Sir. Chas. Wyke, March 15, *Br. and For. St. P.*, Vol. LIII, 441-2

Russell to Earl Cowley, " 8, 435-6

Russell to Earl Cowley, " 11, 437-8

Cowley to Earl Russell, " 6, 433-5

* *Br. and For. State Papers*, LIII, 411-2. The opposition of the English and Spanish Commissioners alone prevented a demand being inserted in the note for an encampment in the interior of the country. This request was left to be made verbally by the bearers of the note, Brigadier Milans of Spain, Tatham of England and Commandant Thomasset of France. Niox, p. 72.

* *Br. and For. State Papers*, LIII, 416-8.

* The Allied Commissioners to Gen. Doblado, *Br. and For. St. Papers*, LIII, p. 452. There was much sickness among the French and Spanish troops. Niox, p. 86, note; *Br. and For. State Papers*, LIII, 419-53.

Doblado replied that while up to the present time the Mexican Government had received friendly but indefinite promises from the allies, and did not know their real purpose, he could not permit the advance of the invading forces until their intentions were known and recognized, and suggested a conference at Cordova as soon as possible.²⁸ It was finally decided that General Prim and Doblado should meet on February 19, at La Soledad.²⁹ At the conference that followed, Doblado succeeded in securing from General Prim what amounted to recognition for the Liberal Government of Juarez, and a declaration that nothing should be attempted against the sovereignty, independence, and integrity of the Mexican nation.³⁰ The Convention was equally favorable to the Mexican Government. Opening with the statement that the constitutional government was in no need of the help so benevolently offered to the Mexican people, it provides for negotiations to be carried on at Orizaba, to which city the Commissioners were to repair to meet with two of the Ministers of the Republic, to adjust all claims. In the meantime the Allied troops were to be allowed to occupy Cordova, Orizaba, and Tehuacan. In the result of a rupture of the negotiations, they were to retire beyond the line occupied by the Mexican fortifications, Paso Ancho on the Cordova route, and Paso de Ovejas on that of Jalapa, being the extreme points. The day upon which the allies were to march to occupy the points designated the Mexican Flag was to be hoisted in Vera Cruz, and on the castle of San Juan de Ulloa. The Convention was ratified by the interventionaries on the same day, and by President Juarez on the twenty-third.³¹

²⁸ Doblado to the Allied Commissioners, Feb. 6, 1862, *Br. and For. St. Papers*, LIII, 454-509.

²⁹ The Commissioners to Doblado, 8 Feb. 1862, *Br. and For. St. Papers*, LIII, 453.

³⁰ Protocol of the Twelfth Conference of the Allied Commissioners, *Br. and For. St. Papers*, LIII, 463-70.

³¹ Text in *Br. and For. St. Papers*, LIII, 462-3. Lefèvre, *Doc. Maximilien*, I, 188-9. *Derecho Internacional Mexicano*, I, 699-700.

The English government approved of the Convention. Spain was opposed to the terms as granting too much recognition to the government of Juarez, as too lenient, and allowing too much chance for temporizing in the conferences to be held at Orizaba. France was secretly dissatisfied. Admiral Jurien was severely censured and his powers as plenipotentiary taken away, although he left in command of the naval division. None of the governments, however, questioned its binding power. It

As a result of the Convention the Spanish troops occupied Cordova and Orizaba, the French Tehuacan, and the English remained at Vera Cruz, where the American frigate Potomac saluted the Mexican flag on its being hoisted as stipulated.²² During the negotiations with General Dobaldo relative to the advance in search of a more healthy situation, the British marines had been prepared to march into the interior to support the French and Spanish. Service tents, carts, pack-saddles, harness for mules, and other equipment had to be made by the men of the squadron as all the work people had left Vera Cruz, but as events turned out the road was opened to the French and Spanish to advance without danger by the Commission of Soledad. Commodore Dunlop according to orders remained at Vera Cruz. The large number of the sick, owing to bad sanitation in Vera Cruz, the sick list averaging one hundred a day, with nine deaths to March 2, led Dunlop to embark for Bermuda all of the Marine Brigade but two companies, which with the assistance of some marines regularly attached to the squadron were quite sufficient for the English portion of the Allied Garrison at Vera Cruz, and the Castle of San Juan d'Ulloa.²³

From the beginning of the expedition there was constant friction between the allies. The precipitality of the Spanish in seizing Vera Cruz without waiting for the English and French was received with malcontent by both the English and French governments, although the Spanish government explained it by the failure of the arrival of counter-instructions to the officer in command of the Spanish forces. The French government as a result dispatched reinforcements numbering 4,474 men under General de Lorencez, alleging the necessity of guarding against any disaster to the French troops, now that it appeared they would have to march into the interior, and because the French nation could not

was received with satisfaction in the United States. Summary of the views of the Spanish Government, March 23, 1862, *Br. and For. State Papers*, LIII, 496.

Barrot to M. Thouvenal, March 23, 1862, Niox, 147.

Sir John Crampton to Russell, April 11, 1862, *Br. and For. S. P.*, LII, 496.

Earl Cowley to Russell, April 25, 1862, *Br. and For. S. P.*, LII, 498.

Moniteur Universel, April 2, 1862; *National Intelligencer*, March 20, 1862.

²² *Br. and For. State Papers*, LIII, 477, 500.

Bancroft, *History of Mexico*, VI, 40-96. Niox, p. 87.

²³ Commodore Dunlop to Vice Admiral Sir A. Milne, Feb. 26, 1862, *Br. and For. St. Papers*, LIII, 480-3.

Commodore Dunlop to Vice Adm. Sir. A. Milne, March 2, 1862, *ibid.*, 484-7.

view with satisfaction any superiority of numbers on the part of another nation with which it was engaged in combined military operations, and at the same time increased the power of their plenipotentiaries as to "leur permettre de suivre une ligne de conduite independante" if, as they feared, the politique of Spain was not in accord with their own. The arrival of Lorencez and his troops at Vera Cruz on March 6, aroused the suspicions of the English and Spanish, and especially the jealousy of General Prim, who had supposed he was to have supreme direction of any campaign into the interior.²⁴

The return of the reactionary leaders was another fruitful cause of friction. Soon after the arrival of the interventionaries, news reached Mexico that thirty or more reactionaries, including Ex-president Miramon, who had visited Spain and had conferences with Calderon Collantes and other prominent statesmen,²⁵ would soon arrive, and that Miramon would penetrate into the country and raise the standard of revolt by placing himself at the head of the church party. Commodore Dunlop declared he would arrest him for having robbed the British legation if he landed while the British flag was flying. Saligny declared that if such an attempt were made, he would protest in the name of his government. General Prim feared the move would alienate the conservatives, to which Wyke replied that his landing unopposed would disgust the existing government. It was finally agreed if Miramon came in a British ship he should be arrested before landing. He arrived on January 27, on the British mail packet Avon, was arrested, placed on the British ship Challenger, and shipped back to Havana.²⁶

On February 27, General Juan Nepomuceno Almonte, one of the chief promoters of the Monarchy arrived at Vera Cruz from Paris. With him was Padre Miranda, a notoriously unscrupulous priest, and others

²⁴ Crampton to Russell, Jan. 30, 1862, *Br. and For. S. P.*, LIII, 381-3.

Crampton to Russell, Jan. 31, 1862, *Br. and For. S. P.*, LIII, 384-5.

Perry to Seward, March 15, 1862, *Dip. Corr.*, 1862, p. 483.

Stevenson, Sara Y., *Maximilian in Mexico* 33-5.

Niox, 99-103; Gaulot, *L'Expédition du Mexique*, I, 45-7.

²⁵ Mr. Carl Schurz to Seward, *H. Ex. Docs. 37th Cong. 2nd Sess.*, Vol. 8, No. 100, p. 224-5.

²⁶ Wyke to Russell, Jan. 30, 1862, *Br. and For. S. P.*, LIII, p. 414-5; Niox, *Expédition du Mexique*, p. 75.

of the reactionary party.³⁷ As he was exiled from the country for his political opinions Almonte could not leave the walls of Vera Cruz, where he received as long as he remained in it, the protection of the allied powers, and while there he naturally joined with the remnant of Miramon's partisans, who enjoyed the same protection. After the departure of Prim and Wyke for Orizaba, General Almonte and his friends planned to penetrate into the interior under the protection of the French troops, and this was permitted by General Lorencez. Commodore Dunlop remonstrated with Saligny, who replied that General de Lorencez was acting in this matter under direct orders from the Emperor Napoleon III. Wyke and General Prim both pointed out to Lorencez the evil effects of his course, and that it was a violation of the Convention of London.

General Lorencez in the face of this opposition seems to have been willing to send Almonte and his party back to Vera Cruz, but was over-ruled by Admiral Jurien.³⁸

Wyke and Prim wrote to Admiral Jurien, protesting against his attitude and requesting a conference as soon as possible. In the meantime Jurien had written to inform them that owing to the tardiness of communications arriving from Europe, the news of unlooked for incidents had changed the conditions which had given rise to the signing of the Convention of Soledad, and that he wished to meet the other Commissioners as soon as he had taken measures to assure the retrograde movement of his troops, as provided in that convention. He also declared that "Honorable men, vested with the confidence of the Emperor's government, have come from Vera Cruz on the mission to make their compatriots realize the pacific purpose of the intervention⁴⁰ "en vertu d'instructions directement transmises au General commandant le corps expeditionnaire ces hommes ont obtenu la protection de notre drapeau." On March 26, Jurien notified General Doblado that he was sure no good could come of the proposed conferences under the Convention of Soledad, and therefore on April 1, he would begin the retrograde movement

³⁷ Dunlop to the Secretary of the Admiralty, April 11, 1862, *Br. and For. State Papers*, Vol. LIII, 547-9.

³⁸ Wyke to Russell, *Br. and For. S. P.*, LIII, p. 501.

³⁹ Sir C. Wyke and the Count de Reus to Vice Admiral de la Gravière, March 23, 1862, *Br. and For. S. P.*, LIII, p. 503.

⁴⁰ Vice Admiral de la Gravière to Sir. C. Wyke and the Count de Reus, 24 March, 1862, *ibid.*, 504-5.

provided for, and leave his sick to the hospitality of the Mexicans.⁴¹ This was tantamount to a declaration of war. Wyke of course protested strongly against such action, declaring that the agreement was collective, and the retrograde movement, if necessary, should be so. He declared the position of the English and Spanish had been weakened by this action, and it would induce the Mexicans to believe that the French government had objections different from its allies, by interfering directly in the party strife.⁴²

General Manuel Robles y Pezuela, former minister to the United States under Santa Anna, and one of the leaders of the reactionaries, had been confined on parole to a small village near Real de Monte, and hearing of the arrival of Almonte, attempted to join him at Cordova. Near San Andre's he was captured and executed on the morning of March 22. General Prim had been acting in the capacity of a mediator and had been able to persuade Jurien to give up his retrograde movement and had succeeded in getting the Almonte party held at Cordova, and was attempting to get them returned to Vera Cruz, but the news of this execution, altho according to the British view perfectly justifiable, was used by Jurien as a further pretext for supporting Almonte, he pretending to regard it as a threat, to which it was necessary he should seem to pay no heed.⁴³

General Doblado wrote to the Commissioners on April 3, demanding that they at once send back Almonte, Padre Miranda, and the other exiles, or to retire beyond the fortified passes of the Chiquihuite, as by retaining those persons in the French camp they were violating the spirit of the Convention of Soledad, and setting at nought the legitimate authority of the Mexican government. Upon the determination of the French to refuse this demand, the English and Spanish Commissioners wrote to them that a final conference was necessary at once to decide whether they insisted on acting independently, or whether they would once more conform to the decision of the majority vote of the Commis-

⁴¹ Wyke to Jurien, 27 March 1862, *ibid.*, 505-6.

⁴² Jurien to Gen. Doblado, 26 March, 1862, *Br. and For. S. P.*, LIII, p. 508.

⁴³ Wyke to Russell, 29 March, 1862, *Br. and For. S. P.*, LIII, p. 508.

Jurien to Wyke, 29 March, 1862, *Br. and For. S. P.*, LIII, 510-13.

National Intelligencer, April 18, 26, 1862.

sioners, which by mutual consent had formerly decided all differences of opinion that had arisen.⁴⁴

The result was a conference held at Orizaba on April 9, 1862, which brought to an end all concerted action. The first point of difference was the protection given to General Almonte and his colleagues. Both the English commissioners and General Prim demanded that he be sent out of the country, declaring that he approached both General Prim and Commodore Dunlop and stated that he counted upon the support of the three powers in changing the government established in Mexico into a monarchy, and to place the crown on the head of the Archduke Maximilien, that he thought the project would be well received in Mexico, and within two months would be realized. The notification of the withdrawal of the French troops, coupled with the reception given to Almonte, General Prim held to be equivalent to a declaration of war, and contrary to both the Convention of London and the Preliminaries of Soledad, and Wyke declared this protection could only be considered as constituting a real interference in the internal affairs of Mexico.

The second was the refusal of the French to treat further with the government of Juarez. Saligny declared it was impossible to maintain order and since the beginning of the intervention, the reign of extortion, tyranny, and violence had been doubly oppressive, and the intervention of foreigners intolerable. He declared he was constantly receiving complaints to this effect, and the temporizing and conciliatory policy of the allies had stimulated the Government to redoubled audacity.

Wyke and Dunlop indignantly demanded if he did not consider himself bound by his signature, if he regarded the Preliminaries as of no more value than the paper it was written on.

The third point of difference was the declaration that the retrograde movement of the French was contrary to their engagements to act in unison. To this Saligny replied he was only bound to retire a certain distance in the case of a rupture with the Mexican Government and was then free to act, and he assumed all the responsibility on the part of his colleagues, his government, and the entire world.

General Prim attempted to act as mediator, but finding neither side would yield, he declared he saw no motive to justify Saligny's refusal to

⁴⁴ Wyke to Russell, April 11, 1862, *Br. and For. St. Papers*, LIII, 530-2.

Doblado to the Commissioners, April 3, 1862, Lefèvre, *Le Mex. et L'Inter.*, 383-4 and note. Detroynat, *Intervention Française en Mexique*, p. 110.

treat with the government of President Juarez. Both the English and Spanish Commissioners then refused to sign the note the French had drawn up addressed to Doblado breaking off negotiations, declared that if the French would not dismiss the exiled Mexicans and persisted in their determination not to take part in the negotiations to be opened at Orizaba on April 15, they would withdraw their troops from Mexico. Thus the French declined to do. Admiral Jurien offered his transports to carry the Spanish troops to Havana, but General Prim refused, stating that ships could be sent from there for his forces, or that he could avail himself of aid offered by the English fleet.⁴⁶

The Mexican Minister was informed of the rupture the same day of the immediate withdrawal of the English and Spanish troops, and that the French would concentrate at Paso Acho, and begin hostilities about April 20.⁴⁷ The French Commissioners in a separate note, replying to Doblado's request of April 3, refused to dismiss Almonte, declaring he had come at the invitation of Napoleon III to "bear words of conciliation to his compatriots." The French flag had already extended its protection over these proscribed men. "There is no precedent that its protection once accorded has been withdrawn from men who have obtained it," and they accuse the Mexican government of breaking the Preliminaries of La Soledad by new vexations against French subjects.⁴⁷

Minister Doblado in his reply to the Joint note expressed regret at the news that the Commissioners would be unable to fulfill the conditions of the Preliminaries of Soledad, because his government had hoped that it would be the means of settling all pending difficulties, and would lead to the establishment of peace. He informed the English and Spanish Commissioners that Mexico appreciated their noble, loyal and considerate conduct, and offered to enter into treaties with them to afford them "due satisfaction for all just claims, to affirm efficient guarantees for the future, and to review with them, upon firm and lasting bases, her former relations of amity and commerce."⁴⁸

⁴⁶ Procès Verbal of the Conference held at Orizaba, April 9, 1862, between the Commissioners of the Allied Powers, *Br. and For. State Papers*, LIII, pp. 532-544; Lefèvre, *Le Mexique et L'Int.* 394, 401, *ibid.*, *Doc. Maximilien*, I, ch. XVII, 207-15.

⁴⁷ Allied Commissioners to Gen. Doblado, April 9, 1862, *Br. and For. S. P.*, LIII, p. 561, Lefèvre, *Le Mexique et L'Int.*, p. 424.

⁴⁸ de Saligny and Jurien to Gen. Doblado, *Br. and For. St. Papers*, LIII, p. 564; Lefèvre, *Le Mexique et L'Int.*, 426-8.

⁴⁹ Gen. Doblado to the Allied Commissioners, *Br. and For. St. Papers*, LIII, p. 561-2; Lefèvre, *Le Mex. et L'Int.*, 425-6.

In reply to the French Commissioners, he declared their note of April 9, to have been the first official intimation to the Mexican Government of the mission of Almonte, and condemned him in unsparing terms, indignantly denied the imputations cast on the Mexican government by the French note, and declared the determination of Mexico to meet force by force, and defend her sovereignty and independence to the last.⁴⁹

The united intervention formally ended with the hauling down of the English and Spanish flags at Vera Cruz and at San Juan d'Ulloa at sunset on April 24.⁵⁰

General Prim did not wait to come to any agreement with Mexico, but sailed at once for Havana. Accepting General Doblado's invitation, Wyke and Dunlop went to Puebla, where on April 24, the first meeting was held, resulting in the signature on April 28, of a Convention which it was hoped would finally settle the English claims, the basis being the treaty then being negotiated between the American Minister, Mr. Corwin, and the Mexican Government.⁵¹ For this reason, when the treaty reached England it was rejected by the Government, because they were by that time aware that the American treaty would not be ratified by the Senate of the United States, and the security offered in this contingency, the church lands, might be returned to the former owners, and Great Britain become involved in conflict with other powers.⁵²

Earl Russell heartily approved of Wyke's action in refusing to support the action of the French Commissioners, and in withdrawing

⁴⁹ Gen. Doblado to the French Commissioners, *Br. and For. S. P.*, LIII, 565-7. and Lefèvre, *loc. cit.*, 428-30.

⁵⁰ Dunlop to the Sec. of the Admiralty, 29 April 1862, *Br. and For. State Papers*, LIII, 579.

⁵¹ The Treaty provided for the recognition and execution of all former Conventions and of nearly \$3,500,000 for damages to British subjects. Should the treaty with the U. S. have been ratified the first \$2,000,000 to be immediately received by Mexico was to be handed over to Great Britain to pay off the privileged class of claimants; i. e., the legation and Laguna Seca robberies. Of the remainder of the \$11,000,000 to be paid, Gt. Britain was to receive one-quarter of each installment until the repayment of the second class of creditors, whose claims were to be examined into by a mixed commission. Should the U. S. not ratify the treaty with Mexico the same security as offered in it was to be sold by a Commissioner appointed by the Mexican Govt., and the revenues immediately applied to the liquidation of the British Claims. Wyke to Russell, *Br. and For. St. Papers*, LIII, p. 570-3, inclosing Text of Convention, 573-8.

⁵² Russell to Wyke, *Br. and For. S. P.*, LIII, 600-602.

from Mexico. While he regretted the course taken by France, he expressed satisfaction with the conduct of General Prim, and his happiness to find his conduct approved by the Spanish Government.⁵³ The dissatisfaction earlier expressed in Parliament before the withdrawal of the British marines⁵⁴ was heard no more, and the government was congratulated on the fact that in spite of themselves they had been forced to withdraw from further interference,⁵⁵ the only discordant note being a speech in the House of Lords by Lord Robert Montagu, in which he attacked the Ministry for undue subserviency to France in repudiating the Convention of Puebla.⁵⁶

The withdrawal of the Spanish troops brought on the ministry in Spain the attack of the "Moderado" opposition led by Castro, Sartorius, Valera, and Belda. Castro declared that the policy of the government had entailed the withdrawal of the Spanish troops from Mexico, and this was a death blow to the honor and dignity of Spain. The ulterior purpose of the intervention had been known by the government from the first, Almonte had been in Spain and in agreement with the government. Under these conditions the government of Spain with this knowledge had allowed General Prim to be drawn to the step he had taken by an inferiority of force which left him no possibility of maintaining a different attitude from the French. "Spain . . . and the majority of Spaniards, demand that there shall be in America a true Spanish policy; a policy of our own, a policy initiated by Spain, and by Spain carried out, with or without assistance."

Calderon Collantes in reply denied that Spain had any intentions other than to make just claims, to support the independence of Mexico, and to observe punctually all the stipulations of the Convention of London. The projects of Almonte as submitted to the ministers had been declined and he was informed that he must not count on the support of the Spanish government. The action of General Prim was in accord with the spirit if not the letter of his instructions, and was approved by the government.⁵⁷

⁵³ Russell to Wyke, *Br. and For. S. P.*, LIII, 552-4; *Parl. Debates Third Series*, CLXVII—p. 720.

⁵⁴ *Parl. Debates Third Series*, Vol. CLXV, p. 1269.

⁵⁵ *Parl. Debates Third Series*, Vol. CLXVIII, p. 371, 374.

⁵⁶ This was denied in reply by Mr. Layard, (Under Secretary of State), *ibid.*, 351-63.

⁵⁷ Precis of Debate in the Cortes, May 19, 1862. *Br. and For. S. P.*, LIII, 556-8; Extract from No. 123 of *Diario de las Sesiones de Cortes*, May 19, 1862, in *Dip. Corr.*, 1867, 500-4.

The conduct of Lorencez in protecting General Almonte was approved by his Emperor, who, however, stated it must in no way influence the future policy of France, and that the Mexicans must be permitted to choose their government, "with all the liberty that may serve them best."⁶⁸

"Napoleon to Lorencez, 15 June, 1862, *House Ex. Docs. 37 Cong. 3rd, Sess.*, Vol. 6, p. 326-7; Niox, p. 199.

CHAPTER V

THE FRENCH OCCUPATION

The French Commissioners now had their hands free to carry out an independent policy. On June 16, a proclamation was issued at Cordova, to the Mexicans. In this the French declared that they had come not to take any part in the dissensions of the country, but to put a stop to them. They disclaim any intentions of waging war on the Mexicans as a nation, or of re-establishing old abuses and institutions incompatible with the spirit of the age. They state that the Mexican government had answered the moderation of their conduct by means which the civilized world would reproach the French for sanctioning by their presence, and declare the government that of an oppressive and violent minority. Their aim was only to "Inspire the honorable and pacific portion of the country—that is to say, the nine-tenths of the population—with the courage to declare their free will." On the next paragraph warning was given to all who shall dare to attack the French flag, planted on Mexican soil, and from which it shall not retrocede.¹

Lorencez, fearing the effect of fever upon his troops, had determined to remain at Cordova until the last moment, then in conformity with the Convention of Soledad, make two forced marches that separated him from Paso Ancho, and at once begin the advance.² The safety of the French sick left behind, however, at Orizaba, made a convenient pretext to do away with this necessity. Certain of the convalescents had appeared with arms in their possession. General Zaragoza supposing they constituted a guard wrote to the French commander-in-chief, demanding their withdrawal.³ When the next day explanations were given he manifested his regret to the head physician at the incident, and expressed the hope that General Lorencez would consider his letter an involuntary error.⁴

¹ Text in Lefèvre, *Le Mexique et L'Int. Européenne*, 440-41. *British and For. St. Papers*, LIII, 558-9; *Dip. Corr.*, 1862, 740-1; *Moniteur Universal*, May 27, 1862.

² Niox, 137, Gaulot, I, p. 7-8.

³ Zaragoza to French Commander-in-chief, 14 April 1862, *Dip. Corr.*, 1862, p. 742; Lefèvre, *Le Mex. et L'Int.* 446-7.

⁴ Niox, 138.

Lorencez wrote to Zaragoza, denying that he had left a guard behind and the same day he made known to the French plenipotentiaries his determination to march on Orizaba, pleading the assassination of three French soldiers in the environs of the French camp as justification.⁵

On the afternoon of April 19, the advance began, and an hour after their departure from the city the first skirmish of the war occurred at the village of Fortin, between the cavalry of the two armies, in which the Mexicans lost five killed and a number of prisoners.⁶ The next day Orizaba was reoccupied by the French forces just as the last Spanish troops were evacuating it on their way to the coast.⁷

Lorencez immediately issued a proclamation to the Mexicans in which he declared that in spite of assassinations of his troops, he would have fulfilled the obligations which he was under, but the safety of his sick threatened by General Zaragoza had forced him to take action for their protection.⁸

In the meantime Almonte had been active. On April 16, at Cordova a pronunciamiento had been issued in his name. Stress was laid on his absence in Europe during the bloody struggles of the last few years, the intentions of the French were praised, and all true Mexicans were called upon to unite their efforts with his to secure the establishment of a government suited to their character, necessities, and religious belief.⁹

Orizaba on April 20, 1862, proclaimed for Almonte, 1st, declaring the authority of President Juarez at an end; 2nd, recognizing Almonte as the supreme chief of the Republic, and of the forces which should adhere to this plan; 3rd, authorizing him to carry on negotiations with the allies, and to arrange for the calling of a national assembly; 4th, expressing in Almonte full trust, and asking that on such an urgent occasion he would not refuse his services.¹⁰ To this plan was affixed the signatures of almost all the prominent residents of the city, many of whom afterwards declared their names had been used without their knowledge or authorization.¹¹

⁵ Lorencez to Zaragoza, April 19, 1862, p. 743, Lefèvre, *loc. cit.*, 407-8; Lorencez to the French Commissioners, April 19, 1862, Niox, pp. 139-40.

⁶ Niox, p. 142.

⁷ Gaulot, *L'Expédition du Mexique*, I, 59.

⁸ Lefèvre, *Le Mexique et L'Int. Europ.*, 451.

⁹ Gen. Juan N. Almonte to All Mexicans, Cordoba, June 16, 1862. *Dip. Corr.*, 1862, pp. 743-4.

¹⁰ Lefèvre, *Le Mexique et L'Int. Europ.*, 452-4.

¹¹ *Ibid.*, 454-7; *ibid.*, *Doc. Maximilien*, I, 240-3.

To this proclamation Almonte replied by re-issuing at Orizaba on April 21, the pronunciamiento of Cordova of June 16, and by a second proclamation accepting the proffered authority.¹² The ayuntamiento of Mexico on April 22, protested against the conduct of Almonte and declared their loyalty to Juarez,¹³ but the great mass of the people looked on with perfect indifference to proceedings which they could not interfere with in the presence of the French troops.¹⁴

On April 27, the French division began its march against Puebla, toward which city the liberal forces were retreating. Although he had only an army of 6000 effective men in the heart of an enemies' country of which the topography was unknown, and the climate, Lorencez was sure that the racial superiority, the organization, discipline, and morale, of his small force would make him master of Mexico.¹⁵

The result of the first clash, when a republican force posted on the heights of Alcutzingo attempted to check the advance of the French seemed to justify his hopes,¹⁶ but he was soon to be rudely undeceived.

On May 4, 1862, the French forces arrived within sight of the city. The next day, dear to all Mexicans as the "Cinco de Mayo," Lorencez delivered his attack in force. General Zaragoza had made a most skillful disposition of his forces, and three¹⁷ French assaults on the Mexican position, made with but little exposition of military talent on the part of General Lorencez, were repulsed with heavy loss. The troops of both sides fought with extreme bravery, General Porfirio Diaz and his brigade perhaps playing the most conspicuous part in the French defeat. The French loss according to the official report was 16 officers and 156 men killed, 19 officers and 258 men wounded. Of the sick and wounded 345 fell into the hands of the Mexicans. The Mexican reports raised the French loss to almost a thousand men. The Mexican forces, owing to their more favorable position, lost less heavily, 87 killed, 152 wounded and 12 missing being reported.¹⁸

¹² Texts in *Br. and For. State Papers*, LIII, 568-70.

¹³ Lefèvre, *Le Mexique et L'Int. Européenne*, 457-61.

¹⁴ Wyke to Russell, April 29, 1862. *Br. and For. S. P.*, LIII, p. 578.

¹⁵ Gen. Lorencez to the Minister of War, 26 April, 1862, Niox, 155-6.

¹⁶ Official Report of Gen. Zaragoza of the battle of Las Cumbres de Alcutzingo, *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, p. 121-2.

¹⁷ Gaulot, *L'Expédition du Mexique*, I, 62-3; Niox, 157-9.

¹⁸ Official Report of General Lorencez, *Moniteur Universal*, July 1, 1862; Niox, *Expédition du Mexique*, pp. 163-7; Gaulot, *L'Expédition du Mexique*, 65-73.

The French wounded in the hands of the Mexicans, received in the hospitals of Puebla all the attention their captors were able to bestow. The French subjects resident there, who witnessed their treatment, addressed to the Governor a note of thanks for the noble conduct and generous treatment observed on the part of the government towards the French wounded and prisoners of whose feelings of gratitude they gave assurances they were faithful interpreters.¹⁹ The decorations stripped from the prisoners in the heat of battle were restored to them, only those being retained which were found on the dead left on the field.²⁰

The victory greatly strengthened the government of President Juarez. The Mexicans were not a little proud of defeating the "victors of a thousand battles," "who for the first time were compelled to flee before their enemies,"²¹ and troops rapidly volunteered in the Republican service, a call upon San Luis Potosi for three thousand men being answered by double the number.²² The Congress on May 9, issued an address to the people of Mexico in which the conduct of England and Spain was highly praised and that of France held up in unworthy contrast with her allies. The violation of the Convention of La Soledad was condemned in unsparing terms, and the French Commissioners demands for subserviency to it "for the mere purpose of purchasing certain advantages of bad faith at the price of the honor of their signatures, which were the signatures of the representatives of the government of France." Praise was heaped upon the victims of Puebla and a stirring call was issued to all patriots to emulate their example.²³

Official Report of Gen. Zaragoza, May 9, *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 122-3; Official Report of Gen. Negrete, May 6, *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 124-5; Official Report of Gen. Berriozábal, May 5, *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 125-7; Official Report of Gen. Diaz, May 6, *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 127-8.

¹⁹ Address of French Residents of Puebla to the Governor of the State, 9 May, 1862. Lefèvre, *Docs. Maximilien*, I, 251-2; *House Ex. Docs. 37 C. 3rd Sess.*, Vol. 6, p. 133; c.f. Niox, *Expé. du Mexique*, 189-90.

²⁰ Order of May 10, 1862. Lefèvre, *Docs. Max.*, I, p. 255; *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 134-5.

²¹ See the Mexican official reports before cited.

²² *National Intelligencer*, June 17, 1862.

²³ The Congress of the United Mexican States to the Nation, May 9, 1862. *House Ex. Docs. 37 Cong. 3rd Session*, Vol. 6, 128-132.

Decree of May 7, 1862, Dublan y Lozano, *Leg. Mex.*, IX, 443.

Several defeats that followed did something to check the rising hopes of the Liberals. The conservative General Lenonardo Marquez on May 18, leading a force attempting to make a juncture with the French was confronted at "Barranca Seca," by the liberal General Tapia. The arrival of a battalion of the French army, with infantry under Colonel Lefevre, turned the tide, and a severe defeat was inflicted on Tapia's forces, almost twelve hundred prisoners being taken.²⁴

A brigade of General Gonzalez Ortega, the victor of Calpuelalpam, was surprised during the night of June 13-14, on the Cerro del Borrego by a company of the French 99th, under Captain Detrie. The Liberals lost heavily, but the effect of the defeat was of more importance than the actual loss. General Zaragoza had determined to follow up his victory, and to take the aggression by attacking Orizaba. On the same night that Ortega's forces were defeated he began to invest the city. A heavy bombardment during the morning of the 14th did but little damage, and learning of the defeat of the Cerro del Borrego, he withdrew to El Ingenio.²⁵

The news of the defeat of Puebla was regarded as almost increditable in France, and the general desire was for a decisive victory to wipe out the stain of defeat, a financial agreement with the Mexican government, and then withdrawal from all participation in the affairs of Mexico.²⁶

Even before the reception of this defeat opposition to the intervention had appeared in the Corps Législatif. On March 13, 1862, Jules Favre, Hénon, Darimon, Ernest Picard and Emile Ollivier had proposed to make paragraph six of the Address to the throne to read, "We have seen with regret the commencement of the expedition to Mexico. The end appears to be intervention in the internal affairs of that people. We engage the government only to seek reparation for our griefs."²⁷ Jules Favre defended the motion in a long and able speech, but the amendment was rejected.²⁸ The opposition increased with the news of the defeat.

The day after the news of the defeat arrived, June 16, 1862, there

²⁴ Gen. Leonardo Marquez to Almonte May 23, 1862, *H. Ex. Docs. 37th Cong. 3rd Sess.*, Vol. 6, 135-7; Niox, 171-3; Bancroft, *History of Mexico*, VI, 52.

²⁵ Niox, *Expédition du Mexique*, 185-9; Gaulot, *L'Expédition du Mexique*, I, 75-81; Bancroft, *History of Mexico*, VI, p. 52.

²⁶ Paris Correspondence of the *National Intelligencer*, July 16, August 12, 1862; Gaulot, *L'Expédition du Mexique*, I, 86-7.

²⁷ *Annales du Sénat et du Corps Législatif, Session 1862*, Tome II, p. 157.

²⁸ *Ibid.*, 157-163, 165.

came up in the Corps Législatif the question of adding to the "Budget rectificatif" of 1862, seven million francs for the Ministry of War, and eight million for the Ministry of Marine, to meet the expenses incurred in Mexico.²⁹ When this bill came up for discussion on June 26, it gave Jules Favre the chance to make a scathing arraignment of the whole policy of the government in respect to Mexico up to that time.

The instructions given to the French plenipotentiaries not to discourage efforts of the "sound part" of the population to constitute a government presenting guarantees of stability were censured. The breaking of the Convention of Soledad by Saligny was characterized as unjustifiable, as was the reception of Almonte, and the countenance given to his attempt to establish a government. The Jecker affair, Favre held was a scandalous piece of usury, which should be cleared out, and only the payment of sums actually due exacted. "The only course compatible with the interests and honor of the country," he declared, "is to treat with Mexico and then withdraw," but his statement was not received favorably by the deputies.³⁰

M. Billault of the Ministry, declared that the Convention of Soledad had been first violated by the Mexicans, and that the protection given to Almonte was the only means of saving his life, otherwise he would have been shot like General Robles. A fervent appeal to the patriotism of the deputies, with but little real argument sufficed to pass the bill unanimously.³¹ In the Senate there was no opposition.³²

Napoleon wrote to Lorencez on June 15, that it was the fate of war to have occasional reverses obscuring the splendor of success, but not to be discouraged, he would be sustained by all the support that he might be in need of.³³ Commandant d'Orriant of the general staff was immediately dispatched to Mexico to report on the situation and make necessary preparations for the reception of re-enforcements. Upon arriving at Vera Cruz on July 26, he found the line of communications of the French broken, and was only able to correspond with Lorencez by means of a cipher letter intrusted to an Indian. He soon returned to France,

²⁹ *Ibid.*, Tome IV, p. 92.

³⁰ *Annales du Sen. et du Corps Légis.*, Sess., 1862, Tome V, 83-92.

³¹ *Ibid.*, 92-115.

³² *Ibid.*, 215.

³³ Napoleon III to Lorencez, June 15, 1862, Niox, p. 199, *House Ex. Docs. 37th Cong. 3rd Sess.*, Vol. 6, 326-7.

and his report draws a dark picture of the situation in Mexico at the time.³⁴

The command of the expedition of about 30,000 men was intrusted to General Forey³⁵ who was given definite directions as to the policy he was to pursue: 1st, to issue a proclamation, the principal ideas of which were embodied in the articles following; 2nd, to receive General Almonte and all Mexicans who should join him with greatest kindness; 3rd, not to espouse any party in the quarrel, to declare that all is provisional until the Mexican nation has pronounced its wish, to show a great deference for religion, but to reassure at the same time the holders of national property; 4th, feed, pay and arm according to his means, the Mexican auxiliary troops, and to make them play the principle rôle in battles; 5th, maintain among all troops the most severe discipline; 6th, it is desirable that General Almonte and notable persons of all political opinions, "qui auraient embrassé notre cause," should convoke, according to Mexican laws, an assembly which should decide the form of government and the destiny of Mexico. While the end to be attained was "not to impose on the Mexicans a form of government to which they would be antipathetic, but to second their efforts to establish according to their wishes, a government which had chances of stability, and be able to guarantee to France the redressment of the wrongs of which she has complained," yet "it goes without saying that if the Mexicans should prefer a monarchy it is the interest of France to support them in their view, and, in that case, the General should indicate the Archduke Maximilian as the candidate of France."³⁶

Forey himself arrived at Vera Cruz on September 21. Delayed by the rain and the condition of the roads at Vera Cruz until October 21, the mortality among the troops of his expedition was frightful. One battalion left 200 men in the hospital, and the villages on the route were filled with the sick.³⁷

Forey proceeded to carry out to their full extent the instructions given him by the Emperor. A proclamation issued at Martinique on August 30 ordered his soldiers to refrain from pillage, and by their con-

³⁴ Niox, *Expédition du Mexique*, 196-7.

³⁵ For composition see Niox, 203-5.

³⁶ Instructions to Gen. Forey, 3 July 1862, Niox, 212-6; Detroyat, *L'Intervention Française*, 167-171.

³⁷ Niox, 209-10, Gaulot, I, 92; *National Intelligencer*, Sept. 12, 1862, Oct. 29, 1862.

duct to prove that it was not against the Mexican nation that they were making war, but against those who oppress it.³⁸ Almost immediately upon his arrival a proclamation to the Mexicans appeared, declaring the same facts, that it was not against the Mexican people he had come to make war, but against a handful of men without scruples and without conscience, who have trampled on the rights of men; have governed by means of the most sanguinary system of terror, and who to sustain themselves have not been ashamed of selling to foreigners piece by piece the territory of their country.³⁹ No attempt would be made to saddle on the Mexican people a government to French liking, but they, liberated by French Armies, will freely elect the government they please.⁴⁰ Two other proclamations were issued to reinforce the first, one at Cordova, and the other at Orizaba.⁴¹

In the meantime, realizing that the government of Almonte was a farce, and a block to the real plans of the French government, General Forey had issued a proclamation on September 26, ordering Almonte to dissolve the ministry which he had created, to abstain from dictating any laws or decrees, to give up the title of supreme chief of the nation, and limit himself to the organization of the Mexican army.⁴²

During the interval the cabinet of President Juarez had been weakened by the loss of General Doblado, to whose skillful diplomacy was due the defeating of joint intervention. Mutual lack of confidence led to an open rupture, and Doblado resigned on August 14. He was succeeded as Minister of State by Juan Antonio de la Fuente, and by Jose Maria Nunez as Minister of finance.⁴³ The death of Ignacio Zaragoza, the victor of the Cinco de Mayo, on September 8, was an added blow to the liberal cause.⁴⁴

³⁸ *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, p. 353.

³⁹ Referring to Corwin's draft of a treaty with Juarez.

⁴⁰ Lefèvre, *Doc. Maximilien*, I, 262-4; Niox, *Expédition du Mexique*, 218-9; *House Ex. Docs. 37th Cong. 3rd Sess.*, Vol. 6, p. 354.

⁴¹ Forey to the inhabitants of Cordova. 22 Oct. 1862, Lefèvre, *Doc. Maximilien*, I, pp. 264-5; *H. Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 455-6. To the Mexicans, Orizaba, 3 Nov., 1862 Niox, 219-20; *H. Ex. Docs. 37 C. 3rd Sess.*, Vol. 6, p. 456-7.

⁴² *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, p. 354; Niox, 117-8.

⁴³ Bancroft, *History of Mexico* VI, p. 52-3; *National Intelligencer*, Sept. 12, 1862; Romero to Seward, Oct. 31, 1862, *H. Ex. Docs. 37th Cong. 3rd Sess.*, Vol. 6, p. 340.

⁴⁴ Niox, *Expédi. du Mex.*, 221; Bancroft, VI, 56. Funeral honors were decreed in memory of his services by the Congress, Dublan y Lozano, *Leg. Mex.*, IX, 529, 530-1.

The new ministry, however, began to take active measures to prepare for resistance. The City of Mexico was strongly fortified, and it was determined to dispute if possible every inch of the French advance from Orizaba. The Governors of the states were requested to use all the means at their power to assist the central government, and to fortify and collect provisions and munitions of war in the centers of population of their states.⁴⁵ Medals of honour were conferred on the soldiers who had distinguished themselves on the Cinco de Mayo.⁴⁶ A personal tax to be commuted by work on the fortifications, and a tax of 10% upon capital were decreed,⁴⁷ and the emission of bonds to the value of fifteen millions of pesos authorized.⁴⁸

Juarez on October 27, was granted almost unlimited powers for six months, or if the war should continue longer than that period, until thirty days after the reassembling of Congress.⁴⁹ On December 14, an act was passed declaring null and void all acts of any authorities appointed by the invaders.⁵⁰

On January 1, the French forces numbered 28,126 men, out of 30,978 sent to Mexico. The loss of 2,852 men, almost one-tenth of the total, being not so much due to battles as to deaths from fever and those invalided home.⁵¹ It was not until February 22 that General Forey left Orizaba. On March 16, the French army appeared before Puebla, and the investment began on March 22. The besieged forces consisted of almost 22,000 men under General Ortega, supported by the most able of the liberal generals, including Berriozábal, Negrete, and Porfirio Diaz, who had already won fame at Puebla, and others who like La Llave, Escobedo, and Ignacio Mejia, and Carbajal, were to rise to later prominence. The actual seige lasted 56 days, until May 17, and was marked by the determination and endurance of the defenders, the attacking force losing eighteen officers and one hundred and sixty-seven men killed, and almost eighteen hundred wounded, many of whom died from

⁴⁵ Circular of Sept. 23, 1862, Dublan y Lozano, *Leg. Mex.*, IX, 539-40. c.f. *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, 351-3; *National Intelligencer*, Oct. 22, 1862.

⁴⁶ Dublan y Lozano, *Leg. Mex.*, IX, 561-2.

⁴⁷ Dublan y Lozano, *Leg. Mex.*, IX, 527-9, 533-4.

⁴⁸ *Ibid.*, 532-3. 534-6.

⁴⁹ *Ibid.*, 548-9.

⁵⁰ *Ibid.*, 566.

⁵¹ Niox, *Expédition du Mexique*, 206-8. Figures in Gaulot, *L'Expédition du Mex.*, I, 104-5, vary slightly from this.

the effect of their wounds. After the defeat of the army of the center under General Comonfort by Generals Bazaine and Marquez on May 8, in an attempt to throw supplies into the city, after the last horse and dog had been devoured, most of the armament was destroyed, the money in the military chest divided among the rank and file, and the city surrendered. Many of the troops were incorporated in the auxiliary forces under Marquez, while the others, contrary to the usages of war were forced to work on the fortifications and on the railroad.

The Mexican officers refused to give parole as demanded by Forey, and when on May 19, they were started to march on foot from Puebla to Vera Cruz, a large number of them escaped on the journey, including Ortega, LaLlave, Berriozábal, Diaz, and Negrete. Those who were left were sent to France as prisoners.⁵²

The news of the taking of Puebla was received in France with great rejoicing, as completely wiping out the defeat of the previous year, and the Emperor wrote to General Forey, felicitating him on the victory and expressing his satisfaction at the conduct of the army.⁵³

With but 6000 men, demoralized by the downfall of Puebla, to defend the city, President Juarez yielded to the persuasions of Generals Berriozábal and Negrete, closed the session of Congress on May 31, 1863, and withdrew to San Luis Potosí.⁵⁴

On June 10, 1863, Forey entered the city with Almonte on his right hand, Saligny on his left, and behind him the notorious Marquez. The army was received with great enthusiasm, probably worked up beforehand, the streets were decorated with triumphal arches, and flowers were showered on the marching columns.⁵⁵

⁵² French account in Niox, *Exptd. du Mex.*, 254-283.

Gaulot, *L'Exptd. du Mex.*, I, 107-117.

Bancroft, *History of Mexico*, VI, 62-69.

Lefèvre, *Doc. Maximilien*, I, 276-284, 346-9.

El Sitio de Puebla en 1863, segun los archivos de D. Ignacio Comonfort y de D. Juan Antonio de la Fuente, in Genero Garcia, *Documentos Inteditos ó Muy Raros para la Historia de Mexico*, Tome XXIII.

⁵³ At the same time he reiterated the statement that his purpose was not to impose on the Mexican people a government against their will, nor to allow French success to aid the triumph of any party. Napoleon III to Forey, 12 June, 1863, Niox, *Exptd. du Mexique*, 283-4, Gaulot, *L'Exptd. du Mexique*, I, 118-9.

⁵⁴ Lefèvre, *Doc. Maximilien*, I, 286-7.

⁵⁵ Cf. Forey to the Minister of War, June 14, 1863, Niox, 288, with Lefèvre, *Doc. Maximilien*, I, 288-9, or with Kératry, *L'Empereur Maximilien, Son Elevation*

With the capital of Mexico in his possession, General Forey was now in a position to carry out the ulterior purposes of his Emperor. Reactionaries were placed in power in the local government by three decrees dated June 11, making Manuel Garcia Aguirre perfect of the capitol, and Miguel Maria Azcarate president of the reorganized Ayuntamiento.⁵⁶

*6/12/62
Proclaim.*

The next day Forey issued a proclamation to the Mexicans, in which he declared his mission a double one, to make known to the pretended conquerors of May 5, 1862, the weight of French arms, and secondly, to offer in concurrence of France in giving to Mexico a government which should be the expression of her free choice, in which work abandoning their designations of Liberals and Reactionaries, all were asked to join.

The lives and property of all would be placed under the safeguard of the law. The Catholic religion would be protected, and the bishops recalled, but the purchasers of the confiscated estates of the church would be unmolested in their possession, fraudulent sales only being subject to revision. Forey expressed his opinion that the Emperor would see with pleasure if it were possible for the government "de proclamer la liberté des cultes, ce grand principe des sociétés modernes." Brigandage and disorder would be suppressed and the courts would be so organized as to administer justice without price or favor.⁵⁷

His next care was to issue a decree on June 16, providing for the nomination of a Junta Superior de Gobierno of thirty-five members. This junta, whose members, appointed by Saligny, were designated by a decree of June 18, having met, elected on June 22, a provisional executive of three members, Generals Almonte and Salas, and the Archbishop of Mexico, Don Pelagio Antonio de Labastida. The latter being in Europe a substitute, Don Juan B. Ormaechea, bishop-elect of Tulancingo was

et Sa Chute, 27-8. Lt. Col. Henri Louizillon, of the French army, says, "La population était attirée bien plus par la curiosité que par l'enthousiasme. Aussi les endroits où nous avons été applaudis, et où nous a jeté des fleurs étaient forts rares et ces quelques manifestations avaient été organisées par le commandant de la place et par la police. Cependant, le commandant en chef a pris tout cela pour de l'argent complaint, sur vanité l'empêchant l'apprécier les choses à leur juste valeur." *Lettres sur L'Expédition du Mexique*, 84-5.

⁵⁶ Lefèvre, *Docs. Maximilien*, I, 290-1.

⁵⁷ Forey to the Mexicans, June 12, 1863, Niox, *Expé. du Mexique*, 289-292.

appointed to act until his return.⁶⁸ The Junta Superior was also given the power to nominate 215 other notables, and to unite with them to form an Assembly of Notables of 250 members, which should express the wish of the nation as to the form of government that would best suit it.

On July 8, the Assembly of Notables met. After the organization of the assembly, the triumvirate solemnly entered and with the president of the Assembly, Teodosio Lares, took their places under a canopy. Opposite them was placed two seats for General Forey and General Saligny, while tribunes reserved for the representatives of the French army were occupied by Generals Bazaine, Douay, Castagny, Andrade and Herran, and their staffs. The tribunes and the galleries were crowded, many women being present. The session was opened by Almonte, who called attention to the gravity of the situation and the calamities of the last forty years, but abstained, as he declared, "out of respect for the freedom of the assembly," from suggesting any definite form of government. Lares, however, who followed him, was, as President of the Assembly, free from such scruples, and declared in favor of a monarchy. A committee was appointed to report on the form of government, and on July 10, their decision was read by Ignacio Aguilar, its author, and one of the most extreme reactionaries of Mexico. The body of the report was adopted unanimously, and then the conclusions as reached by the Committee were put to vote. "1st. The Nation adopts for its form of government a moderate, hereditary monarchy, with a Catholic prince." This article was adopted 229-to 2.

"2nd. The sovereign should assure the title of 'Emperor of Mexico.'" Adopted unanimously.

"3rd. The imperial crown of Mexico is offered to His Imperial and Royal Highness, the Prince Ferdinand Maximilian, Archduke of Austria, for himself and his descendants. Adopted unanimously, *and without discussion.*"

"4th. If under circumstances which cannot be foreseen, the archduke of Austria, Ferdinand Maximilian, should not take possession of the throne which is offered to him, the Mexican nation relies on the good

⁶⁸ Loizillon says of these men, "M. Almonte est en réactionnaire de peu de valeur, le vieux général Salas est un momie, que l'on a déterrée pour let circonstance; il ne reste donc que l'évêque le représentant de l'archevêque. C'est un homme vigoureux qui tout de suite a suis le pied sur les deux autres, et qui dirige tout." *Lettres sur L'Exp. du Mex.*, 99.

will of his Majesty Napoleon III, Emperor of the French, to indicate for it another Catholic prince." Adopted 211-9. This decision was published in the form of a decree the following day.

Until the arrival of the sovereign, the provisional executive power was to remain in the hands of those appointed on June 22, with the title of the Regency of the Mexican Empire. The Assembly passed a vote of thanks to the Emperor Napoleon, to the Empress, to Forey, Almonte, Saligny, Marquez and others, decreed that the bust of the Emperor Napoleon should be placed in the Hall of meeting, and asked the benediction of the Pope.⁵⁹

⁵⁹ Lefèvre, *Doc. Maximilien*, I, 291-6; Niox, *Expédition du Mexique*, 292-5; Gaulot, *L'Expédition du Mexique*, I, 129-140; Bancroft, *History of Mexico*, VI, 77-87; Arroyo to Seward (and accompanying documents) July 20, 1863, *Dip. Corr.*, 1863, pt. II, 775-8.

The subserviency of the Assembly is self evident from their action in making such an important decision with only two days session. The Phila. *Public Ledger*, Dec. 4, 1863, declared the assembly of "notables" consisted of five persons, viz., General Forey, Count Saligny, Archbishop de Labastida, General Woll, and Padre Miranda. Bancroft, *loc. cit.*, VI, 84, characterizes the members as "the mere tools of the reactionary plotters." Gossip even told how the French had paid for the very clothes worn by some of the so-called notables. Stevenson, *Maximilian in Mexico*, 98; Kératry, *L'Empereur Maximilien*, 28. A number of persons designated as members of the assembly refused to serve. Niox, 293.

CHAPTER VI

THE POLICY OF NAPOLEON III

A Mexican empire was no new idea, although the ghost of Iturbide might well have haunted the couch of any one coveting such a crown.

Santa Anna, when driven from power in 1854 had, it was claimed, by the authority given to him by the nation to constitute it under any form of government he thought best, authorized his minister, Sr. Don José María Gutierrez de Estrada to enter into negotiations with the courts of London, Paris, Madrid, and Vienna, to obtain from these governments or any of them, the establishment of a monarchy under a prince of the royal house of any of these powers.¹ When in the fall of 1861 he learned of the news of the resolution adopted by the three maritime powers, he wrote to Estrada, "Ahora lo que convendria es: aprovechar tan feliz oportunidad para la realizacion de nuestros antiguos deseos por aquello de que: *la ocasion tiene un cabello y no se presenta segunda vez.*" He suggested a plan of action, and especially urged Estrada to insist, in all his correspondence with any European governments, that Mexico could not have a lasting peace until the disease is radically cured, "yesta cura debe reducirse á substituir la farza de republica con un emperador constitucional."²

It was at first generally supposed that a Spanish prince would be called to the throne which the Mexican refugees were desirous of establishing. Early in the fall of 1861 the *London Times* suggested Don Juan de Borbon, pretender to the throne of Spain, as a suitable candidate. It was thought this would be satisfactory to Spain by removing from Europe a cause of possible injurious agitation, but the enemies of Don Juan circulated the rumor as an accomplished fact to prove that he was simply anxious to get a throne wherever it might be discovered, and this led him to publish a letter declining the proposed honor before he had been actually approached.³

¹ Circular of July 1, 1854, *Dip. Corr.* 1865, pt. III, 867, quoted from *Diario del Imperio*, Jan. 20, 1866. Estrada at this time approached the duc de Montpensier, who declined the proposition made to him. Gaulot, *L'Expédition du Mexique*, I, 6.

² Santa Anna to Estrada, 15 Oct. 1861, "Correspondencia Secreta de Los Principales Intervencionistas Mexicanos," pt. I, G. García y C. Pereyra, *Documentos Inéditos*, I, 40-2.

³ Don Juan de Borbon to the Editor of the *London Times*, Sept. 16, 1861, *London Times*, Sept. 19, 1861.

It seems evident that these projects for the establishment of a monarchy having been offered first to Spain, O'Donnell supposing only a Spanish prince would be chosen laid them before Napoleon III who saw a chance to further his own purpose,⁴ and picked out Ferdinand Maximilian, Archduke of Austria, the former Governor of Lombardy-Venetia.

The probable reasons that led Napoleon III to take up this project were numerous and far reaching, perhaps "too grand for formulation before execution and too odious for explanation thereafter."

One of the greatest visionaries that ever wore an imperial crown,⁵ he was hampered and overburdened by his desire to emulate the achievements of his almost deified uncle. In a decisive foreign policy he saw the way to strengthen his hold on the throne of France, and to divert attention from affairs at home.⁶ The clearest expression of his views can perhaps be found in his famous letter to General Forey, of July 3, 1862. In this he expresses his fear of the growing power of the United States. France, while not indifferent to the prosperity of the United States had no desire that they should be too powerful, and continuing on her course of expansion seize upon all the Gulf of Mexico and dominate the commerce of the New World to the exclusion of France. As an offset Napoleon III desired to erect in Mexico a great Latin Empire, which should be an insurmountable barrier to the further encroachment of the United States, and a means of opening up the great markets of Latin America to French trade.⁷

⁴ C.f. *National Intelligencer*, June 5, 1862.

⁵ Frederic Bancroft, "The French in Mexico and the Monroe Doctrine," *Pol. Sc. Quarterly*, XI, 33; cf. Frost, *History of Mexico*, 674-5.

⁶ The story is related, as an illustration of his character, that one night at the Tuilleries playing "petits papiers" by chance he was called on to answer, "what is your favorite occupation?" Below the question the Emperor wrote, "To seek the solution of unsolvable problems." Gaulot, I, 17.

⁷ *Hansard's Parl. Debates*, 3rd Series, CLXVIII, 376, Kinglake's speech of July 15, 1862.

⁸ Napoleon III to Forey, July 3, 1863.

"... Le but à atteindre n'est pas d'imposer aux Mexicains une forme de gouvernement qui leur serait antipathique, mais de les seconder dans leurs efforts pour établir, selon leur volonté, un gouvernement qui ait des chances de stabilité et puisse garantir à la France le redressement des griefs dont elle a à se plaindre.

"Il va sans dire que, si les Mexicains préfèrent une monarchie, il est de l'intérêt de la France de les appuyer dans voie, et dans ce cas, le général pourrait indiquer l'archduc Maximilien comme le candidat de la France.

The war in the United States seemed to afford a most favorable opportunity for the consummation of his schemes. There can be no doubt that it was his opinion that the American Union was hopelessly destroyed, that the South would beat the North, and would form a bulwark for the new empire.⁹

Neither can there be any doubt, that having once entered upon the expedition to Mexico, Louis Napoleon allowed it to colour his whole attitude toward the great struggle being waged across the Atlantic.

In his instructions to Slidell, Secretary J. D. Benjamin taking advantage of the distress in France owing to the lack of cotton, authorized him to offer to Napoleon III, 100,000 bales of cotton of 500 pounds each

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"Il ne manquera pas de gens qui vous demanderont pourquoi nous allons dépendre des hommes et de l'argent pour mettre un prince Autrichien sur un tron.

"Dans L'état actuel de la civilisation du monde, la prospérité de l'Amérique n'est pas indifférente à L'Europe, car c'est elle qui alimente notre industrie et faire vivre notre commerce. Nous avons intérêt à ce que la république des États-Unis soit puissante et prospère; mais nous n'en avons aucun à ce qu'elle s'empare de tout le golfe du Mexique, domine de là les Antilles et L'Amérique du Sud, et soit la seule dispensatrice des produits du Nouveau-Monde. Maitresse du Mexique, et par conséquence de l'Amérique centrale, et du passage entre les deux mers, il n'y aurait plus désormais d'autre puissance en Amérique que celle des États-Unis.

Si au contraire le Mexique conquiert son indépendance et maintient l'intégrité de son territoire, si un gouvernement stable, s'y constitue par les armes de la France, nous aurons posé une dique infranachissable aux empiétements des États-Unis, nous aurons maintenu l'indépendance de nos colonies des Antilles et de celles de l'ingrate Espagne; nous aurons étendu notre influence bien faisante au centre de L'Amérique, et cette influence rayonnera au Nord comme au Midi, créera des débouchés immenses à notre commerce et procurera les matières indépensables à notre industrie.

"Quant au prince qui pourrait monter sur le trone du Mexique, il sera toujours forcé d'agir dans les intérêts de la France, non par reconnaissance seulement, mais surtout parce que ceux de son nouveau pays seront d'accord avec les nôtres, et qu'il ne pourra même se soutenir que par notre influence." Niox, *Expédition du Mexique*, 212-16. Detroyat, *L'Intervention Française*, 167-171.

⁹ In his first audience of July 16, 1862, with the Emperor, Slidell reports Napoleon III as declaring that "his sympathies had always been with the South, whose people are struggling for self-government, of which he was a firm and consistent advocate; that he had from the first, seen the true character of the contest, and considered the re-establishment of the Union impossible and final separation a mere question of time." Slidell to Benjamin, July 25, 1862. MS. Confederate Archives, quoted by John Bigelow, *France and the Confederate Navy*, 117; c.f. *Journal des Débats*, Nov. 28, 1866, quoted in *House Ex. Docs. 39 Cong. 2nd Sess.*, Vol. XII, (*Mexican Affairs*), 194.

which was to be procured by French vessels under convoy breaking the blockade. The cargo of European goods which it was suggested should be carried to the Confederacy, and the proceeds of the cotton granted as a subsidy, would, he hoped, secure to France a profit of 100,000,000 francs.¹⁰ In his first interview with the Emperor at Vichy on July 16, 1862, Slidell communicated this offer, and in addition declared that "as the Lincoln government was the ally and protector of his enemy Juarez, we could have no objection to make common cause with him against the common enemy." He also referred to the treaty negotiated by Mr. Corwin by which Mexico would be able to wage war against France with money procured from the United States, but Napoleon, better informed, felt that the Senate would fail to ratify this treaty. The Emperor said that the difficulty was to find the way to give effect to his sympathies, as he desired to preserve the most friendly relations with England and had not been willing to act without her coöperation. England had a deeper interest in the affair than France, but wished him "to draw the chestnuts from the fire for her benefit." Although he did not commit himself as to his future course, Slidell left with the decided impression that if England long preserved in obstinate inaction he would take the initiative alone.¹¹

In his second interview of October 22, 1862, the Emperor again informed Slidell that his sympathies were entirely with the South, that his only desire was to know how to give them effect, and asked him what he thought of the joint mediation of France, England, and Russia. He also asked why the Confederacy had not created a navy. Slidell replied that the great difficulty was not to build ships but to man and arm them under the existing regulations for the preservation of neutrality; that if the Emperor would only give some verbal assurance that his police would not watch too closely what was going on in his navy yards that they would avail themselves of it. To this the Emperor made the astonishing reply, "Why could you not have them built as for the Italian government? I do not think it would be difficult, but I will consult the Minister of Marine about it."

¹⁰ Benjamin to Slidell, 12 April, 1862, quoted by Bigelow, *France and the Confed. Navy*, 176-9; c.f. Callahan, *Diplomatic History of the Southern Confederacy*, 146-7 and note; Nicolay and Hay, *Abraham Lincoln, A History*, VI, 77-79.

¹¹ Slidell to Benjamin, 25 July, 1862, MS. Confed. Archives, quoted by Bigelow, *France and the Confed. Navy*, 116-125; Nicolay and Hay, *Abraham Lincoln, A History*, VI, 76-77, 79.

On Dec. 31, M. Mocquard, the Emperor's private secretary, informed Slidell that Napoleon after consulting his minister found greater difficulty than he had anticipated and that for the present, at least, he could not give any encouragement. However, on Jan. 7, M. Arman, of Bordeaux, a member of the Corps Législatif, one of the largest ship-builders in France, came to offer to build iron clad steamers, and said there would be no difficulty in arming and equipping them, and that he spoke from authority.¹²

Slidell demanded more assurances. Drouyn de l'Huys told him that as Minister of Foreign Affairs the building of the ships was a matter out of his jurisdiction, belonging rather to that of the Minister of Commerce or Marine, that it was better that he should know nothing of it; and that he was quite willing to close his eyes until some direct appeal was made to him. The Minister of Marine declared the ships would be permitted to arm and go to sea. M. Rouher, the most powerful of the French ministers, made the same declaration in a conference on February 23, in which M. Voruz, a deputy from Nantes, and later one of the sub-contractors, was present. Arman felt that Slidell would not be satisfied with any assurances he did not receive directly from the Emperor, and asked if an audience could not be granted for that purpose. However, in the meantime other proofs of French sympathy were given Slidell and he felt safe in proceeding to make definite arrangements to carry out his desires.¹³

On April 15, Captain J. D. Bullock made a contract with J. A. Arman for four swift clipper corvettes, under the pretext of running them between Shanghai, Yedo, and San Francisco, and armed with the pretext of protection against pirates and with the contemplation of a sale to the Emperor of China or Japan. In turn, Arman arranged with Voruz of Nates for two of the vessels.¹⁴

On May 16, Mallory wrote to Bullock informing him of the appropriation of £2,000,000 by the Confederate Congress for building iron-clad ships-of-war in Southern Europe,¹⁵ and on July 16, 1863, he

¹² Slidell to Benjamin, Jan. 11, 1863, quoted Bigelow, *France and the Confederate Navy*, 133-4.

¹³ Slidell to Benjamin, Feb. 6, March 4, April 11, April 20. MS. Confederate Archives, quoted by Nicolay and Hay, *Abraham Lincoln, a History*, VIII, 270-2.

¹⁴ J. D. Bullock, *The Secret Service of the Confederate States in Europe*, II, 24-9.

¹⁵ Quoted Bullock, *ibid.*, 30-31.

closed a contract with Arman for the construction of two powerful ironclad rams of shallow draft.¹⁶

In his interview of June 18, 1863, with the Emperor, Slidell thanked the Emperor for his sanction of the contracts for the building of the ships-of-war at Bordeaux and Nantes, and then informed him that they were also preparing to build several ironclads and that it only required his verbal assurance that they would be allowed to proceed to sea under the Confederate flag. The Emperor replied that it would be necessary to conceal their destination. Slidell was of the opinion that permission to build, equip, and proceed to sea was no violation of neutrality, and invoked the precedent of a ship built for the Chilean government. Napoleon remarked that there was a distinction to be drawn, Chile was a government recognized by France.¹⁷ Mr. Slidell however claimed that Bullock entered into the contracts for the ironclads with Arman without his previous knowledge.¹⁸

The whole policy of Napoleon seems to have been to protract the war in America at least until Maximilian's supremacy in Mexico was assured, and for that purpose to give the Confederacy as much encouragement and assistance as was compatible with the maintenance of friendly relations with the United States. However, when the secret of the destination of the vessels became known to John Bigelow through documents abstracted by Petermann, a clerk of M. Voruz, Dayton, our minister to France, was able to lay definite proof of this fact before the Imperial Government. The news of the battle of Gettysburg, and the fall of Vicksburg were even more effective arguments.¹⁹ As a result, on October 20, M. Drouyn de L'Huys informed Dayton that permission to arm these vessels would be cancelled, and two days later he wrote that the Minister of Marine had notified Arman and Voruz that the authorization was withdrawn.²⁰

From this time on active and effective measures were taken by France to prevent any violation of her neutrality, much to the disgust

¹⁶ *Ibid.*, 32-4.

¹⁷ Bigelow, *France and the Confederate Navy*, 137.

¹⁸ Slidell to Benjamin, Feb. 16, 1864, quoted Bigelow, *France and the Confed. Navy*, 152-5.

¹⁹ Bigelow, *Fr. and the Con. Navy*, 1-55, 165-6; Callahan, *Dip. Hist. of the Southern Confederacy*, 211-214.

²⁰ Dayton to Seward, Oct. 22, 1863, *Dip. Corr.*, 1863, pt. II, 797. Drouyn de l'Huys to Dayton, Oct. 22, 1863, *ibid.*, 800.

of the Confederate agents and officials, who openly charged the Emperor with bad faith.²¹

As early as May of 1861, overtures of French mediation in the struggle in America had been made to Mr. Sandford, the representative of the United States in Belgium.²² On June 12, 1862, Thouvenal wrote to Mercier, authorizing him to offer the good offices of France to bring about a cession of the struggle, but Mercier was of the opinion that the time was inappropriate for such an offer.²³

On October 30, 1862, eight days after Slidell's second interview with the Emperor, in which foreign mediation was discussed, Drouyn de l'Huys, Thouvenal's successor, addressed his famous note to the ambassadors of France at London and St. Petersburg to request these two powers to join with France in friendly intervention in the affairs of America, to bring about a six months' armistice, which it was hoped would lead to peace.²⁴

The French note was read to Russell on November 10. On the 11th it was considered in cabinet meeting, and on the 13th Russell replied, declining immediate action.²⁵ On November 8, 1862, Prince Gortchakoff wrote to M. d'Oubril, Charge d'Affaires of Russia at Paris, that Russia thought it necessary before all things to avoid the appearance of any pressure whatever of a nature to arouse the public sentiment of the United States, and to excite susceptibilities which were ready to be aroused at the mere idea of foreign intervention. A combined movement of France, England and Russia, however conciliatory it might be, would

²¹ Bigelow, *France and the Confed. Navy*, 159-167; Callahan, *Dip. Hist. of the Southern Confederacy*, 212-219; Bullock, *The Secret Service of the Confederate States in Europe*, II, 38-67. The later declares the case "one of simple deception, p. 42, and again, "I certainly thought this kind of crooked diplomacy had died out since the last century and would not be re-entered upon in these common-sense days, *ibid.* 48. Benjamin wrote to Slidell, April 16, 1862, "Grave doubt even is entertained of the *good faith* of the *High personage* by whose sanction and advice we *engaged* in an *undertaking* which promised results of the greatest importance. A severe blow has been *dealt* us from a quarter whence it was least expected, and a corresponding *revulsion of feeling* toward the *personage* has resulted. Bigelow, *loc. cit.*, 155.

²² Thouvenal to Mercier, 16 May 1861, *Br. and For. St. Papers*, LV, 412-3.

²³ Thouvenal to Mercier, 12 June, 1862, *ibid.*, 414-5. Mercier to Thouvenal, 1 July, 1862, *ibid.*, 415.

²⁴ *Ibid.*, 417-9.

²⁵ Adams to Seward, Nov. 15, 1862, *Dip. Corr.*, 1863, pt. I, 5-6. Russell to Earl Cowley, 13 Nov. 1862, *Br. and For. S. P.*, LV, 531-3.

incur the risk of bringing about a result opposed to the pacificatory end desired, and the offer was declined.²⁶

Foiled in this attempt, on January 9, 1863, Drouyn de l'Huys wrote to M. Mercier offering an elaborate plan for informal conferences between commissioners of the North and South, which he hoped would lead to peace. Mercier, February 3, 1863, laid the French proposition before Mr. Seward, who declared that the conferences proposed would be palpably in derogation of the Constitution of the United States, and would carry no weight because destitute of the sanction necessary to bind either section of the country; the Congress of the United States in which the representatives of the loyal portions of many of the states claimed by the insurgents were present, was the proper forum of such debate.²⁷ This closed the incident and ended the attempts at mediation.²⁸

The Emperor was eager to recognize the Confederacy, but was hampered by the unwillingness of England to act, feeling, as he told Slidell on June 18, 1863, that the commerce of France and the success of the Mexican expedition would be jeopardized by a rupture with the United States; that no other power than England possessed a sufficient navy to give him sufficient aid in war on the ocean, while with the coöperation of England he did not anticipate a war.²⁹

²⁶ *British and For. State Papers*, LV, 425-6. Taylor to Seward, 12 Nov. 1862, *ibid.*, 423-5. Drouyn de l'Huys to Mercier, 13 Nov. 1862, *ibid.*, 423-5. Drouyn de l'Huys to Dayton, 23 Nov. 1862, *ibid.*, 434-5.

²⁷ Seward to Dayton, 6 Feb. 1863, *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. I, No. 38, 11-12; Seward, *Works*, V, 376-381.

²⁸ The Congress of the United States on March 3, 1863 passed resolutions declaring that the rebellion from its beginning had been encouraged by hope of support from foreign powers, is sustained by this hope, and without it would soon yield to the efforts of the Federal government, therefore "Congress cannot hesitate to regard every proposition of foreign interference in the present contest as so far unreasonable and inadmissible that its only explanation will be found in a misunderstanding of the true state of the question, and of the real character of the war in which the republic is engaged. . . . Congress will be obliged to look upon any further attempt in the same direction as an unfriendly act, which it earnestly deprecates to the end that nothing may occur abroad to strengthen the rebellion, or to weaken those relations of good will with foreign powers which the United States are happy to cultivate. Senate, 31 yeas, 5 nays. House 163 yeas, 28 nays. *Congressional Globe*, 37 Cong. 3rd Sess., pt. II, 1497-8, 1541.

²⁹ Slidell's "Memorandum of an interview with the Emperor at the Tuilleries. Thursday, June 18, 1863." Quoted by Bigelow, *France and the Confederate Navy*,

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That the encouragement given by Napoleon III to the Confederacy was entirely selfish seems evident, by the strong proof that he was trying at the same time to detach Texas from the Confederacy. On August 18, 1862, Théron, the French Consul at Galveston, wrote to F. R. Lubbock, the Confederate governor of Texas, asking him if the annexation of Texas to the United States had been a good political measure, whether disunion and the juncture of the state to the Confederacy had been wise, and if he felt that the reestablishment of the old Republic of Texas would or would not be beneficial. The answers to these questions would, he said, guide him in his political correspondence.³⁰

On September 9, Governor Lubbock indignantly replied that the annexation of Texas to the United States, and the subsequent act of disunion and the juncture of Texas to the Southern states were good and proper political steps, and that the re-establishment of the old Republic of Texas would not be beneficial,³¹ and on the eleventh he communicated these facts to President Jefferson Davis.³²

On October 13, M. Tabouelle, the French vice-consul at Richmond approached Senator Oldham of Texas, and after an extended conversation as to the area, resources, and population of Texas, asked him if he thought it would not be to the interest of the state to assume an independent nationality. Oldham replied in the negative, and the same day brought the matter to the attention of President Davis.³³

As a result, on October 17, Benjamin ordered both Théron and Tabouelle to depart from the territory of the confederacy. However, after a conversation with Tabouelle, Benjamin became convinced that there was no concert of action between the two and in his case the order was recalled. Théron's order of dismissal, declaring his overtures an abuse of the hospitality, and as indicating hostility on his part to the government and people of the Confederacy was allowed to stand, and Major General Magruder was intrusted with its execution.³⁴

135, c.f. Rhodes, *History of the U. S.*, III, 519, 542, IV, 94n, 374, 375n; Callahan *Diplomatic History of the Southern Confederacy*, 112, 123, 183, 194.

³⁰ Théron to Gov. F. R. Lubbock of Texas. Aug. 18, 1862, *Dip. Corr.*, 1863, pt. I, p. 76.

³¹ Lubbock to Théron, Sept. 1862, *Dip. Corr.*, 1863, pt. I, 76.

³² Lubbock to Davis, Sept. 11, 1862, *ibid.*, 76.

³³ Oldham to Davis, Oct. 13, 1862, *ibid.*, 77-8.

³⁴ Benjamin to Théron, Oct. 17, 1862, *Dip. Corr.*, 1863, pt. I, p. 78.

Benjamin to Gen. Magruder, Oct. 17, 1862, *Dip. Corr.*, 1863, pt. I, p. 78.

The state department of the Confederacy was much concerned over this matter, not because of any fear of the possible withdrawal of Texas, but because they felt it exhibited the real attitude of Napoleon III toward the Confederacy, and on October 17, Benjamin wrote to Slidell, attributing the attempt to the determination of Napoleon to hold Mexico as a colony and a desire to interpose a weak power between his new colony and the Confederacy, or a desire to secure an independent source of cotton supply to offset that possessed by Great Britain in India, or to a combination of these reasons.³⁶

Seward on the contrary felt that if Napoleon founded any hopes of aggression in Texas or the Gulf of Mexico, his expectations were groundless, Louisiana was as American as any other part of the Union.³⁷ Drouyn de l'Huys voluntarily spoke to Dayton concerning the alleged intrigue, and said that there was not the slightest truth in the suggestion that the French government had authorized interference in Texas, and promised to severely censure the consuls, and at another interview declared France would not take Texas as a gift. Their policy did not look to the acquisition of territory. However, as Dayton states, "Whether this comports well with their existing action in Mexico, may, perhaps, admit of a doubt."³⁸ This attempt, at any rate, was dropped, but after the downfall of the Confederacy and the flight of many Confederates of high rank to Mexico, there can be little doubt that a design was entertained in Mexico of producing an uprising against the United States in Texas, with a view to its annexation to Mexico, or at least to coöperate in maintaining the government of Maximilian.³⁹

Mexico contained some of the richest gold and silver mines in the world, and the richest of these were situated in the thinly settled northern provinces. The cession of the mining rights in the State of Sonora, Napoleon III hoped to make the price of his assistance to Maximilian.

Benjamin to Tabouelle, Oct. 17, 1862, *Dip. Corr.*, 1863, pt. I, p. 79.

Benjamin to Tabouelle, Oct. 18, 1862, *Dip. Corr.*, 1863, pt. I, p. 79.

* Benjamin to Slidell, Oct. 17, 1862, *ibid.*, pt. I, 73-5.

* Seward to Dayton, Dec. 29, 1862. *Dip. Corr.*, 1863, pt. II, 708-10.

* Dayton to Seward, Feb. 13, 1863, *Dip. Corr.*, 1863, pt. II, 711-12.

Dayton to Seward, Mar. 11, 1864, *Dip. Corr.*, 1864, pt. III, p. 51.

** Seward to Bigelow, July 22, 1865, (and accompanying documents) *Dip. Corr.*, 1865, pt. III, 404-8.

As the result of a report of M. Laur, a mining expert sent to Mexico in 1863,³⁹ a project of a treaty had been drawn up providing for the cession to France of the right of exploitation of all mines in the State of Sonora not actively exploited or located, and this project was annexed to the Convention of Miramon, only to be defeated by the unwillingness of Maximilian to cede any of the territory of his new empire.⁴⁰ Napoleon did not despair, and closely connected with this was the scheme of Dr. Wm. M. Gwin, former United States Senator from California, to colonize the province of Sonora with Confederate emigres which was only ended by the increasing power of the Liberals in January of 1866.⁴¹

The influence of Empress Eugenie was cast in favor of intervention. Gutierrez de Estrada, Hidalgo, Almonte, Labastida the Archbishop of Mexico, and Ex-president Miramon were often received at the Tuilleries and these men, using the language of her childhood to portray their griefs, and the misfortunes of their native land, identified their cause with that of their religion, related at length the persecutions of which the Catholics were there the object, until in her they soon gained a most efficient and influential ally.⁴²

Finally it has been asserted that the establishment of the Mexican Empire was not wholly unconnected with the Treaty of Villa Franca, but was intended to be part recompense to Austria for the cession of Lombardy to Italy.⁴³

A combination of these impulses perhaps produced their resultant in the intervention, the desire to play a part in world politics and

³⁹ Extracts from this report may be found in *Moniteur Universel*, Dec. 17, 1863, No. 351, p. 1522.

⁴⁰ Gaulot, *L'Expéd. du Mex.* II, 59-61.

Lefèvre, *Doc. Max.*, II, 91.

Niox, *Expéd. du Mex.* 745.

⁴¹ Lefèvre, *Doc. Maximilien*, II, 91-107.

Gaulot, *L'Expéd. du Mex.*, II, 62-5, 84.

Destroyat, *L'Intervention Française*, 235-41.

⁴² Kératry, *L'Empereur Maximilien*, 8

Gaulot, *L'Expéd. du Mex.*, I, 29.

⁴³ Stevenson, *Maximilien*, 104, note,

Kératry, *L'Empereur Maximilien*, 8-9.

Bancroft, *History of Mexico*, VI, 96-7.

Dip. Corr., 1865, pt. III, 492-535; *House Ex. Docs.*, 39 Cong. 1st Sess., Vol. XI, (Mexican Affairs,) pt. I, p. 555-72.

Ibid., 39 Cong. 2nd Sess., Vol. XII, (Mexican Affairs,) 500-528.

establish a great Latin Empire as a check to the growing power of the Anglo-Saxon, to enrich France with the precious metals from Mexican mines, to bring back to the arms of the Church an erring daughter, and to placate Austria by placing an imperial crown upon the head of a member of her archducal house.

Two costly mistakes proved fatal to his plans, the one was an over-estimation of the strength of the reactionary party in Mexico, and the other was in his expectation as to the probable issue of the civil war in the United States. On the contrary, intervention in Mexico increased the French debt,⁴⁴ strengthened the opposition of the liberals to the government, weakened the French army, and by the defeat of the Cinco de Mayo dimmed its prestige, endangered the traditional friendship of France and the United States, the discreditableness of the Jecker affair blackened the character of French statesmanship, and the outcome damaged men's faith in the judgment and foresight of the Emperor. The absence of the flower of French troops in Mexico no doubt played a part in securing the neutrality of France during the Austro-Prussian war. This, with the abandonment and consequent execution of Maximilian, prevented France from having any hope of aid from Austria when the triumphant Prussians turned their arms against her.

"The total cost of the expedition to France was 301,190,000 francs, without including the loss of material and the expenses of bringing home the troops. *Dip. Corr.*, 1867, pt. II, p. 613; Niox, *Expé. du Mex.*, Appendix XI, 763-4. To this should be added the savings of French subjects invested in the Mexican loans.

CHAPTER VII

MAXIMILIAN ACCEPTS THE CROWN OF MEXICO

Gutierrez de Estrada being assured of the favorable sentiments of France and believing that England would accept the proposition, demanded a confidential assurance that the offer of the Mexican Crown if made would not be repulsed by the Archduke. As a result, on October 4, 1861, Count Reichberg, the Austrian minister for foreign affairs, presented himself at the castle of Mirimar, near Trieste, where dwelt the Archduke Maximilian and Charlotte, his wife. He came, he said, in the name of the Emperor Francis Joseph, charged by him with a secret mission to inform the prince and princess confidentially of certain overtures which had been made to the Austrian government by the Emperor Napoleon III. Having decided to intervene in Mexico Napoleon III was desirous that the effect should be lasting, and would establish a stable order of things which would permit of sure and undisturbed relations with that country. For this purpose it was thought best to re-establish a monarchy, and he wished to be assured in advance of the sentiments of the prince who had been destined to fill the glorious rôle, the Archduke Ferdinand Maximilian. Count Reichberg added that Francis Joseph, while sensible of the honor of the preference given to his dynasty, left to his brother full liberty to accept or to refuse.

As a result of this overture Estrada was apprised of the fact, by a note dated October 27, that the Archduke would accept if the offer would be made under conditions necessary to assure success, to guarantee the future, and to safeguard the dignity of himself and of his noble house. The two important conditions made the indispensable bases of further negotiations were first, the support not only moral but material and efficacious of the two great powers England and France; second, the clearly pronounced vote of Mexico. By October 9, 1861, this response had been made known to M. Thouvenal, and through him to the Emperor Napoleon III.¹

On October 30, this offer was followed up by a letter signed by Estrada, and all the prominent Mexican refugees in Paris, addressed

¹ Gaulot, *L'Expédition Mexicaine*, I, p. 3-10, esp. a note drawn up under the supervision of Maximilian by his secretary Baron de Pont, 8-10.

to Maximilian, expressing the wish that he would be willing to co-operate in "the great work of the regeneration of Mexico."²

To this the Archduke replied on December 8, 1861, declaring his gratitude for the respect shown him, and his interest in the welfare of Mexico, but that he could not accept the offer "unless a national manifestation should attest in an undoubted manner the desire of the nation to place me on the throne. Then only, would my conscience permit me to unite my destinies with that of your country, because then only would my power be established from the beginning on that mutual confidence between the government and the governed which is in my eyes the most solid basis of empires, next to the benediction of heaven."³

As early as October 31, Estrada had written to Santa Anna, informing him of the plans under foot, to erect a monarchy and to call Maximilian to the throne. The exiled chieftain expressed his pleasure at the views and gave his hearty approbation to the candidate mentioned.⁴ Of the opinions of Santa Anna and others Estrada kept Maximilian informed.⁵

With the knowledge of these negotiations, it is evident that the second article of the Convention of London was already rendered of no value before it was signed on October 31, 1861. An Austrian prince, although only conditionally, had accepted a throne which was to be established for him by foreign aid.

The manner in which the French Commissioners carried out their instructions has been seen. England and Spain, true to the agreement made at London, withdrew when the ulterior purposes of the French became evident, and with a high hand General Forey, the new agent of Napoleon III, secured the election by a subservient assembly of the nominee of his master.

The Regency appointed a commission to carry to the Archduke the decree of the Assembly and to offer him the crown of Mexico.⁶ On

² English translation of text in Hall, *Mexico under Maximilian I*, 26-7.

³ Maximilian to Gutierrez de Estrada, 8 Dec. 1861.

Garcia y Pereyra, *Documentos Inéditos*, Tome I, (*Correspondencia Secreta*) 115-6. Hall, 27-8.

⁴ Santa Anna to Estrada, Nov. 30, 1861. *Dip. Corr.*, 1865, pt. III, p. 684, quoting *Diario del Imperio*, 20 Jan. 1866.

⁵ Maximilian to Estrada, 8 Dec. 1861, Garcia y Pereyra, *Doc. Inéditos*, Vol. I, (*Correspondencia Secreta*, pt. II) 117-8.

⁶ Consisting of Senores D. José M. Gutierrez Estrada, D. José Hidalgo, D. Antonio Escandon, D. Tomas Murphy, Gen. D. Adrian Woll, D. Ignacio Aguilar, D. Joaquin

October 3, 1863, the deputation was officially received by Maximilian, in the palace of Miramar. Estrada, as president of the deputation, delivered the address, in which he declared the republic a failure which had taught Mexico to return to the institutions which had governed her for the space of three centuries. For the monarchical institutions to be successful, however, it was necessary to have at the head a prince of high intelligence and noble character. Such a prince was found in the one before them, and to him freely and spontaneously, the people of Mexico offer the crown of their empire. While not hiding the difficulties its acceptance would bring for a time, the hope was held out that by his efforts and by the coöperation, gratitude, and loyalty of the Mexicans he would soon be envied as its possessor.⁷

In reply the Archduke expressed his gratitude for the wish expressed as flattering to himself and to his house. He declared, however, that he could not fail to agree with the Emperor of the French that the monarchy could not be re-established there, on a perfectly legitimate and solid basis, unless the whole nation, expressing freely its will, would wish to ratify the wishes of the capital. This was an indispensible condition of his acceptance of the offer. A second was the indispensible guarantees necessary to place the new empire under protection from the dangers which might threaten its integrity and independence. The third was the consent of the Emperor Francis Joseph, the head of his house. The deputation was requested to communicate these conditions to their countrymen, and to take the necessary measure to consult the nation as to the form of government they desire.⁸

The insistence of both Napoleon III and Maximilian upon the necessity for a free expression of the popular will of Mexico seems to indicate not so much that they realized the ease of manipulating the plebiscite under the existing conditions in Mexico, but that possibly sincere in this respect, they were both deceived by the instigators of the intervention as to the importance of the Church or Monarchical party

Valesquez de Leon, D. Francisco Javier Miranda, a priest, and D. Angel Iglesias as Secretary. The first four were at time in Europe; the others embarked at Vera Cruz for San Nazario about the 15th of Aug. Hall, *Mexico under Maximilian I*, p. 71.

⁷ Hall, *Mexico under Maximilian I*, 71-6.

⁸ Hall, *Mexico under Maximilian I*, 76-7; *Dip. Corr.*, 1864, pt. IV, p. 119. Niox, *Exptd. du Mexique*, 326-8.

in Mexico, and this in spite of numerous warnings. General Prim when he realized the trend of events, wrote to Napoleon on March 17, 1862, that it was his opinion that men of monarchical sentiments were few in number. Instead of the monarchy in the persons of the Spanish sovereigns, the Mexicans had only known it in those of the viceroys, each of whom governed according to his own lights. The immense interests of an ancient nobility are lacking, and the neighborhood of the United States, with its republican sentiments, had contributed to create a positive hatred against monarchical institutions. French arms would enable the Emperor to conduct Prince Maximilian to the capitol, and have him crowned, but the only supporters would be the conservative leaders who when in power never thought of establishing a monarchy, and only took it up when defeated, dispersed, and in exile,—and a few rich men. He predicted that a throne so established would fall immediately upon the withdrawal of French protection.

Commodore Dunlop wrote that "the only party in Mexico at all in favor of a monarchy is the church party, and that merely because it sees no other prospect whatever of regaining influence over the Mexican people."

"The Church party embraces all that is bigoted and fanatical in the country, and is therefore retrogressive in policy, and at variance with the spirit of the age, and it is detested by the great majority of the people who are in favor of a liberal government."¹⁰ Even Calderon Collantes declared it unquestionable that the Mexicans resident in Paris exaggerated the monarchical tendencies of their countrymen.¹¹

Neither England or Spain were willing to give any support to the establishment of the new empire. Rumors that the reinforcements to be sent to Mexico under General Lorencez were going for the purpose of placing the Archduke Maximilian on the throne were called to the attention of Thouvenal, who denied any such negotiations were pending between France and Austria, but admitted they were being carried on by Mexicans only, who had come over for that purpose and had gone to

¹⁰ Gen. Prim to Napoleon III, 17 March, 1862. Gaulot, *L'Expédition Mexique*, I, 48-51.

¹¹ Comm. Dunlop to Vice-Admiral Sir. A. Milne, 4 March, 1862.
Br. and For. St. Pap., LIII, p. 489.

¹¹ *House Ex. Docs. 37 Cong. 3rd Sess.*, Vol. 6, No. 54, 274.

Vienna.¹² Soon afterward he informed Earl Cowley that the imperial government would certainly not attempt to impose any government whatever on the Mexican people.¹³

Through Lord Bloomfield, the English minister at Vienna, Count Reichberg was informed that it was the intention of Great Britain to abide strictly by the terms of the Convention of October 31.¹⁴ Russell distrusted the Mexican refugees as notorious for unfounded calculations of the strength of their partisans and for the extravagance of their expectations of support. He felt the Archduke would have to rely wholly upon the support of the French troops, that it would take a long time to consolidate a throne in Mexico capable of rendering the sovereign independent of foreign support, and in the meantime if this support would be withdrawn, the new sovereign would be driven out.¹⁵ Any protectorate, though undertaken with the most benevolent views, would soon become odious to the Mexican people, and the English government desired nothing better than the restoration of peace and order under the government of President Juarez.¹⁶

Spain felt herself overreached by the diplomacy of Napoleon III. His action in sending Lorencez with reinforcements which enabled France to pursue an independent course had aroused surprise and chagrin, and the candidacy of Maximilian was another blow to Spanish hopes. Calderon Collantes had hoped at least to secure the placing of a Spanish princess on the throne in the person of the eldest daughter of the duke of Montpensier, whose marriage with the Count of Flanders was being negotiated. For a considerable time it seemed doubtful whether Spain would calmly submit to the success of the French projects, and the withdrawal of General Prim and his troops was welcomed by the government as the easiest way out of the difficulty.¹⁷ Even in Aus-

¹² Cowley to Russell, 24 Jan. 1862, *House Ex. Docs. 37 Cong. 2nd Sess.*, Vol. 8, No. 100, p. 424.

¹³ Cowley to Russell, 5 Feb. 1862, *Br. and For. St. Papers*, LIII, 380-1.

¹⁴ Russell to Lord Bloomfield, Feb. 5, 1862, *ibid.*, 380.

¹⁵ Russell to Lord Bloomfield, Feb. 13, 1862, *ibid.*, 389-90.

¹⁶ Russell to Wyke 1 April, 1862, *British and Foreign State Papers*, LIII, 488.

¹⁷ Horatio J. Perry to Seward (and enclosures) March 15, 1862, *Dip. Corr.*, 1862,

tria, our Minister, Mr. Motley, reports, the project was an unpopular one with all classes of society and the language of the press in general was decidedly hostile on the subject.¹⁸

¹⁸ Motley to Seward, 17 August 1863, *Dip. Corr.*, 1863, pt. II, 1005-7. He transmits an extract from *Die Presse* of Vienna, August 11, 1863, which is worth noting as giving the reasons for their opposition. "We . . . believe that we are a faithful organ of the opinion of the Austrian people when we say without concealment, that the acceptance of the crown by the Archduke Ferdinand Maximilian would not be looked upon by any of them as a piece of good fortune, but, on the contrary, they would look upon it as an evil destiny. An evil destiny, we say, for it would be nothing else if an Austrian prince should ever seriously think of accepting a crown from the hands of a Napoleon. In the deepest humiliation of Germany by the forcible dominion of Napoleon I, we find nothing similar to this; and shall constitutional Austria bear today what absolute Austria was too proud to endure? And what sort of a crown is this? Without any plausible reason, treading underfoot those liberties of the people, of which they are always speaking, the French soldiers have broken into Mexico, and, after shedding streams of blood, they have occupied the Mexican capital followed by the curses of a people hitherto proud of its independence. And shall a crown of tears and blood, conquered in this forcible manner, be placed upon the head of a prince of constitutional Austria, perhaps as an indemnity for the pearl which in 1859 was broken from Austria's crown, or as a present to keep us unharmed in case of future occurrences of a similar kind. . . . Have those who play with the thoughts of wrapping themselves in the purple mantle of an Aztec emperor already reflected on the political consequences which would follow Austria's acceptance of the imperial crown? Have they painted to themselves the wretched, dependent relation, the vassalage in which Austria, even assuming that there is no thought of compensation at the bottom of the French offer, that it is dictated by the purest unselfishness, will find itself in regard to Napoleonic France by accepting the Mexican crown? . . . What in the name of Heaven has Austria to do in this Mexican gally, it would be bound and exposed to France on all sides for this present of the Danaides, and particularly in regard to Poland it would be made lame and impotent in its political action; it would afford France a pretext for occupying Mexico, as the Pope affords a pretext for occupying Rome, it will have engaged its honor for specific French speculations, without satisfying a single reasonable interest. We already see the moment when the cabinet of Washington, fortified by the Monroe Doctrine, by the alliance of the states of Central and South America, and of the enormous military resources which the end of the civil war will have at its disposition, shall call upon the French in Mexico to leave a continent on which they have no business, and no right to command. Shall Austria, then, make war in company with France upon America to uphold and occupy a problematical throne in Mexico? That would be the height of the adventurous, and Austria would have then no alternative than that of a shameful frisco or that of a vassalage, which would absorb its best powers in the interests of France. . . . We still hope that the answer of Austria to the proposition of the Mexican Assembly received by way of Paris, will be a decided negation, and that once for all an end will be put to an intrigue which

During the summer of 1863, numerous small successes had fallen to the lot of the French and their sphere of influence had been considerably extended, although not without difficulties. Yellow fever in the low lands during the rainy season had caused heavy loss to the French troops.¹⁹ Bands of Mexican guerillas constantly threatened the line of communications, cut off convoys, travellers, or small bands of French troops. To fight the guerillas, on February 14, 1863, General Forey had appointed Colonel Dupin, recently arrived from France as the head of the *Contra-Guerilla Française* with full powers to clear the country of the Liberal irregular forces.²⁰ On February 20, at Medellin, Dupin took command of his new force, consisting of soldiers of fortune of all nations, French, Greeks, Spaniards, Mexicans, North and South Americans, English, Piedmontese, Neopolitans, Dutch and Swiss. During the two years that he remained at their head Colonel Dupin and his force were the terror of the lowlands of Mexico, executing with pitiless severity the orders to rid the country of the guerillas.²¹

Colonel Aymard and his regiment were sent to protect the rich silver mines near Pachuca, and soon also occupied Tulancingo. General Bertier entered Toluca, and General Vicario and Colonel Lefevre seized Cuernavaca on July 26. On July 17, some French vessels carried a small body of troops to the port of Minatitlan on the Rio Goatzacolaco, and on August 11, an expedition from Vera Cruz seized Tampico, the loss of the revenues of these ports being a severe blow to the Liberals.²² As a result the commission which carried to Maximilian the notification of his election as Emperor of Mexico was enabled to present to him the acts by which forty-five towns or villages gave their adhesion to the

has no other aim than to shift the ignominy of the Mexican expedition—that attack on an independent people—from the shoulders of France on those of Austria, had to cover the dirty speculations of the banker Jecker and his worthy associates in France and Mexico, with the brilliant name of an Austrian prince."

¹⁹ Niox, *Expéd. du Mexique*, 300.

²⁰ Kératry, *La Contre-Guerilla Française du Mexique*, 9-10.

²¹ Dupin was a soldier of fortune. He had formerly been an officer in the French army, had taken part in the Chinese war, and had been cashiered for his part in the sacking of Pekin. He was a man of savage harshness, whose cruelty won him the nickname of "Tigre." Stevenson, 261-2.

²² Niox, *Expéd. du Mexique*, 302-10.

Bancroft, *Hist. of Mexico*, VI, 107-8.

French intervention and the monarchy. However, as a friend of the republic points out, they were all in the three states of Mexico, Puebla, and Vera Cruz. With the exception of the capital only five towns were of any importance, Cordova, Vera Cruz, Orizaba, Puebla, and Toluca; the first three had been occupied by French troops since the commencement of the expedition, the fourth was obliged to submit to the will of the conqueror, and the fifth had always been accustomed to follow in all respects the actions of the capitol. It is easy to see why the Archduke would, under these circumstances, demand a more popular expression of sentiment before he would agree to accept the proffered crown.²³

With the news of the conditional acceptance of Maximilian began a new campaign upon the part of the French, "a recueillir les suffrages des villes de l'intérieur."²⁴

During this time a change had taken place among those directing the French policy in Mexico. General Forey on July 2, was raised to the dignity of marshal, and his high rank was made the excuse for his recall.²⁵

²³ Lefèvre, *Doc. Maximilien*, I, 332-5.

²⁴ Kératry, *L'Empereur Maximilien*, 29. Loizillon's comment on the conditions to be fulfilled by France was "Alors nous en avons pour longtemps sans revoir la France." *Lettres sur l'expédition de Mexique*, p. 128.

The Phila. *Public Ledger*, Oct. 16, 1863 declares "There is just about as much likelihood of the Mexicans themselves putting a yoke on their own necks as there is of the French Emperor allowing fairly the popularity of his acts in Mexico to be tested by such a decision. If an election should be held in Mexico, he will know how to secure a majority, but that any fair or free decision by the people will be allowed, few knowing his past history will believe. . . . If Maximilian is not particular he can get the consent he desires, but if he means what he says, he will never wear the Mexican crown."

²⁵ Napoleon III to Marshal Forey, 16 July 1863, *La Intervention Francesa en Mexico, Segun el archive del Mariscal Bazaine*, (in G. Garcia, *Documentos Inéditos o Muy Raros*,) XIV, p. 277-8.

Forey's lack of decision, procrastination, and the leisure with which military operations were carried on were displeasing to Napoleon III. It was even declared that at councils of war when differences of opinion would arise, instead of casting the deciding vote, he would adjourn the Council, saying, "Mon Dieu, tachez donc de vous mettre d'accord." Loizillon, *Lettres*, etc., 101. His clerical tendencies and the severity of some of his decrees were also ill received in France. Stevenson 107-111; Niox, *Expédition du Mex.* 313, Gaulot, *L'Expé. du Mex.* I, 173; Bancroft, *Hist. of Mex.* VI, 112.

At the same time Saligny, the creature of de Morney, the agent of Jecker and Co., and one of the chief instigators of the intervention was also ordered to return to France.²⁶

The reactionaries at once feared an entire change in the French policy. The Regency wrote urging in the strongest terms that the order be rescinded, and praised his wisdom, zeal, prudence, and energy.²⁷ The French residents signed an address to the government, declaring that his presence would be absolutely necessary for the regulation of the indemnity claimed from Mexico, Almonte exercised his personal influence and the Mexican press added their voice in Saligny's favor, but all in vain.²⁸ The Assembly of Notables voted him as recompense for his services the sum of \$100,000, and this at a time when the expenses of their government were being supplied from the French war-chest. General Bazaine, the new commander-in-chief, protested to Almonte that the Regency had no right to so dispose of the money loaned to Mexico by France, but was met with the reply that the Regency was sovereign, and was free to do as it pleased.²⁹

Neither General Forey nor Saligny were in any hurry to leave the stage where they had played such prominent parts. The news of the proclamation of the empire under Maximilian had not yet reached Europe and Forey was in hope that this important information might cause a modification of the orders of the Emperor.³⁰

The new commander-in-chief chafed at the awkwardness of his position, and complained of the delay.³¹ Upon receipt of more imperative orders General Forey finally surrendered his authority on October 1, and on the 21st embarked at Vera Cruz.³²

Saligny was about to be married, and was even less desirous to leave. Three different orders from the Minister of Foreign Affairs to leave

²⁶ "Ceci nous prouve que ce pauvre empereur comprend enfin qu'il a été trompé." Loizillon, 143.

²⁷ Arroyo to Drouyn de L'Huys, 26 Aug. 1863. Leïèvre, *Doc. Maximilien*, I, 337-8.

²⁸ Niox, *Expéd. du Mex.*, 343-5; Loizillon, *Lettres sur L'Expéd. du Mex.*, 125-5.

²⁹ Loizillon, *loc. cit.*, 127.

³⁰ Niox, *Expéd. du Mex.*, 313.

³¹ Bazaine to Randon, 27 Aug. 1863, García, *Docs. Intéd.*, XVI, (*La Intervencion Francesa* pt. II) 19-22.

Bazaine to Napoleon III, 9 Sept. 1863, *ibid.*, 24-31.

Bazaine to Randon, 27 Sept. 1863, *ibid.*, 46-49.

³² Niox, *Expéd. du Mexique*, 314.

Mexico without waiting for the arrival of his successor, de Montholon, produced no effect, and the Minister of War finally wrote to General Bazaine to see that he should embark on the first steamer sailing after the receipt of the letter, the Emperor adding, "de gré ou de force, quand même il aurait donné sa démission."³³ Bazaine gave him until January 2, to leave and charged General Neigre to see that the order was obeyed.³⁴

General Bazaine was invested with both military and diplomatic authority. He was ordered to carry out the instructions given to General Forey, to establish a provisional government which should consult the nation as to the form of a definite government, and to protect the establishment of a monarchy, if that should be in accord with the wishes of majority. The Emperor strongly disapproved of the decrees of Forey which provided for the confiscation of the property of those in arms against the Intervention, and expressed the fear lest the triumvirate nominated should prove to be too reactionary.³⁵ In his later confidential correspondence with Bazaine, Napoleon laid stress upon the necessity of the ratification of Maximilian's election by the largest possible number of Mexicans; urged him to reorganize the Mexican army, to take steps to secure the sympathy of the Indians, and to attempt to gain the support of prominent liberal leaders.³⁶

It was high time that a firmer hand should take control of affairs in Mexico. The Juarist armies were reforming in the interior and becoming threatening; bandits infested the roads and even the neighborhood of the capital. The clerical tendencies of General Forey had alienated honest liberals who had been ready to rally around him in the hope that the intervention would end the national discord, and that once French

³³ Minister of War to Bazaine, 28 Oct. 1863, Niox, *Expéd. du Mex.*, 314-5.

Napoleon III, to Bazaine, 1 Nov. 1863, Garcia, *Docs. Inéditos* XVI, (*La Int. Francesa* pt. II,) 205-7.

³⁴ Bazaine to M. Budin, 4 Dec. 1863, Garcia, *Docs. Inéditos*, XVII, (*La Int. Francesa* pt. III,) 63.

Bazaine to Napoleon III, 4 Dec. 1863, *ibid.*, 57.

Bazaine to Napoleon III, 27 Dec. 1863, *ibid.*, 110.

³⁵ Napoleon to Bazaine, 30 July, 1863. Garcia, *Docs. Inéditos* XVI, (*La Intervención Francesa* pt. II,) 11-13.

³⁶ Napoleon III to Gen. Bazaine, 12, Sept. 1863, 34-6.

Napoleon III to Gen. Bazaine, 29 Sept. 1863, 49-52.

Napoleon III to Gen. Bazaine, 1 Nov. 1863, 205-7.

Napoleon III to Gen. Bazaine, 15 Nov. 1863, 250.

Garcia, *Docs. Inéditos*, XVI, (*La Intervención Fran.* pt. II.)

{ military honor was satisfied, all classes, without any distinction of party, would be called to express their wishes as to public affairs.³⁷

Upon taking command of the army General Bazaine addressed to the Mexican people a proclamation in which he stated that the change in authority would be accomplished by no change in policy, and that his mission was to see to the sincere fulfillment of the principles of the manifesto of June 12, 1863, and asked them to have confidence in the outcome.³⁸

The French forces at the disposal of General Bazaine when he took command consisted of 34,700 men including 2,270 marines, and a special corps for service in the low lands, consisting of 400 Egyptians, and the Contra-guerilla under Colonel Dupin. The Mexican allied troops raised the total by about 13,000, and of these 47,000 men, 42,000 were under arms.³⁹

The Liberals were estimated at 12,000 men, under Doblado, between Queretaro and Tepiji del Rio, well supplied with artillery. General Negrete with about 8000 held the line between San Luis Potosi and Pachuca, Urago protected Morelia with 4,000, and Alvarez in the state of Guerrero commanded 4000 more. General Diaz in command of the eastern army had about 5,000 men, making a total of 33,000 men, in addition to numerous guerillas.⁴⁰

Immediately upon taking command Bazaine began to plan an active campaign, the details of which he communicated to the Emperor, and the Minister of War on October 8. Six thousand infantry, and 600 cavalry with necessary artillery, engineers, and supply trains were to compose the French expedition. The Mexican allies consisted of the division under Mejia of about 1,500 men, and that under Marquez of 3,500. Bazaine complained that the recruiting for the Mexican army had almost stopped and the Regency counted on the operations into the interior to augment it. "It is the same with the adhesions to the new government; they are only produced after military successes, the prudent helping."

It was planned to make Queretaro, where the Liberals were concentrating, the objective, and to despatch the French army in two

³⁷ Kératry, *L'Empereur Maximilien*, 30. Bazaine to the Minister of War, 10 Oct. 1863, García, *Docs. Inéditos*, XVI, (*La Intervención Francesa*, pt. II) 79-80.

³⁸ *Ibid.*, 26-8.

³⁹ Niox, *Expédition Mex.*, 328-30.

⁴⁰ Niox, 336; Bancroft, *Hist. of Mex.*, VI, 115.

columns toward it, the one by way of Toluca, the other by Ixtlahuaca, and Amealco, while Marquez' division was to hold to the right toward Maravatio and threaten Morelia.⁴¹

At the same time the city of Mexico was strongly fortified. General De Neigre was put in command with a force of 3,500 men, while a Mexican garrison, of 800 men of the Municipal Guard and a squadron of 150 men from the Imperial Guard was left for the service of the Regency.⁴²

Toward the last of October the French armies were under way. General De Berthier with four battalions of infantry, two squadrons of cavalry, ten pieces of artillery, and supported by Marquez, was ordered to occupy Toluca, Ixtlahuaca and San Felipe Obraje.⁴³

Upon reception of the news that General Berriozábal had left Morelia, on November 29, Marquez and Bertier were authorized to occupy the city. General Marquez was made Military Governor of the state of Michoacan, and the Regency nominated General Ugarte Political Prefect of Morelia. Marquez was ordered to pursue a decidedly conciliatory policy, which was outlined for him, and to regulate his conduct by the Manifesto of June 12. All persons who were so disposed, no matter of what party, were to be allowed to give their adhesion to the Government and the Intervention. No measures were to be taken which would allow anyone to suppose that the Regency represented the party of the reaction. While courts-martial were to hear and try persons guilty of certain crimes, no sentence of death was to be executed, except in cases of persons caught red-handed in assassinating soldiers, without waiting for the decision of the commander-in-chief.⁴⁴

On November 30, without any opposition the Interventionists entered Morelia, and were received with applause by the populace in spite of their fear of a return of the Liberals.⁴⁵ On December 7, the act of adherence to the intervention and the empire was proclaimed,

⁴¹ Bazaine to Nap. III, 8 Oct. 1863, García, *Docs. Inéditos*, XVI, (*La Int. Francesa* pt. II) 62-7.

Bazaine to Minister of War, 8 Oct. 1863 *ibid.*, 74-8.

⁴² Bazaine to Minister of War, *ibid.*, 101-8.

⁴³ Bazaine to De Berthier, 29 Oct. 1863, García, *Docs. Inéditos*, XVI, (*La Int. Francesa*, pt. II.) 62-7, 200-2.

⁴⁴ Bazaine to Marquez, 29 Nov. 1863, *ibid.*, pt. III, 33-8.

Bazaine to Bertier, 29 Nov. 1863, *ibid.*, pt. III, 38-43.

⁴⁵ Bazaine to Nap. III, 1 Dec. 1863, *ibid.*, pt. III, 43-4.

read to the populace, and opened for public signature. The first day 1,500 persons signed the act, and the day following many more attached their names. The usual celebration accompanied the ceremony.⁴⁶

General Douay in the meantime had occupied the important town of Queretaro on November 17.⁴⁷ From there he rapidly pushed forward to Guanajuato, which he entered on December 9, and then to Silao, Leon, and Zamora, the Liberals under General Doblado withdrawing as the French advanced.⁴⁸ During this campaign the Liberals lost their Minister of War, General Comonfort, who was advancing to Queretaro, but learning of its loss, attempted to reach the Liberal forces at Celaya, when his escort was attacked by a band of irregular troops under Aguirre, attached to Mejia's division, and he and ten of his officers were killed.⁴⁹

The advance of the monarchists toward San Luis Potosi led to the withdrawal of President Juarez toward Durango, and on December 24, General Najia entered the city.⁵⁰

The Liberals in the face of these great losses did not calmly submit. General Uruga on December 18, made an attack in force upon Morelia, but was repulsed with a loss of five hundred men killed or captured, and three pieces of artillery, thus defeating his plan of marching upon Mexico City.⁵¹ On the 27th General Negrete with about five thousand men attempted to recapture San Luis Potosi. The attack delivered in the early dawn was almost successful, and the Liberal troops cut their way to the principal square of the city, only to be finally repulsed with a loss of a large portion of their number, two battle-flags, and all their artillery and army trains.⁵² Disheartened by these defeats they allowed General Bazaine to enter Guadalajara on January 5, without striking

⁴⁶ *Le Moniteur Universel*, No. 53, p. 249, Feb. 22, 1864.

⁴⁷ Niox, *Expédition du Mexique*, 339; Loizillon, *Lettres sur L'Expédition du Mexique*, 137-8.

⁴⁸ Bazaine to Napoleon III, 12 Dec. 1863, Garcia, *Docs. Inéditos*, XVII, (*La Int. Francesa*, pt. III) 72-4.

⁴⁹ Loizillon, *Lettres*, etc., 138; Gaulot, I, 234.

⁵⁰ Bazaine to Napoleon III, 27 Dec. 1863, Garcia, *loc. cit.*, 105-112.

⁵¹ Garcia, *Docs. Inéditos*, XVII (*La Int. Francesa*, pt. III), and de la Londe to Bazaine 22 Dec. 1863, *ibid.*, 87-9; Detroyat, *L'Intervention Française*, 208.

⁵² Bazaine to the Minister of War, 29 Dec. 1863. 31-3.

Bazaine to Almonte, 29 Dec. 1863. 118-122.

Garcia, *Docs. Inéditos*, XVII (*La Int. Francesa* pt. III).

Niox, *Expédition du Mex.* 346.

a blow. He received but little satisfaction from the attitude of its inhabitants, enthusiasm was lacking, and many of the notables whom he summoned to reorganize the municipality refused to appear or sent physicians' certificates pleading the bad state of their health. However, on January 8, an assembly was convened, and proceeded to elect an Ayuntamiento and other necessary officers of such a distinctly reactionary type as to be displeasing to Bazaine.⁵³

So far the actual resistance of the Liberals had been less serious than was expected. Loizillon declared that the French conquered the country with their legs rather than their swords.⁵⁴ The cities of the interior, with the exception of Leon, received them coldly, but one by one pronounced for the Archduke, of whom many did not even know the name, with the same resignation with which they would have declared for any other candidate submitted to them with the same show of force, and as for over forty years of civil war they had been accustomed to acknowledge the victors' chosen presidential candidate.⁵⁵

A review of these campaigns shows, however, that the total territory nominally under the control of the Interventionists at the beginning of the year 1864 was insignificant when compared with the vast extent of the country they were attempting to subdue. In the interior of Mexico their lines formed a wedge with the apex at Mexico, the one side extending west through Morelia and Zamora to Guadalajara, a distance of 159 miles, the other side north by way of Queretaro, and Guanajuato to San Luis Potosi, 110 miles. The base of the triangle formed by these lines was 116 miles across.⁵⁶ Toward the east the area was somewhat larger, extending along the coast from Tampico to Minatitlan, including almost the entire state of Vera Cruz, and its capitol of that name, and the cities of Cordova, Orizaba, and Puebla on the road to Mexico. The climate of much of this section however, was an obstacle to very effectual occupation.

⁵³ Bazaine to the Minister of War, 5 Jan. 1864, Garcia, *loc. cit.*, 149-153.

Bazaine to Almonte, 9 Jan. 1864, *loc. cit.*, 157-9.

Bazaine to Gen. Moret, 11 Jan. 1864, *loc. cit.*, 160-162.

Bazaine to Gen. Douay, 7 Feb. 1864, *loc. cit.*, 192-5.

⁵⁴ Loizillon, *Lettres sur L'Expédition Mexicaine*, 152.

⁵⁵ Comte de Kératry, *L'Empereur Maximilien, Son Élévation et Sa Chute* 33; Sara Y. Stevenson, *Maximilian in Mexico*, 121.

⁵⁶ Distances from Debray, "Carta Générale de la République Mexicaine," Mexico, 1867.

The Liberals were in possession of the states to the south and along the Pacific Coast, while the vast territory to the north had never been entered by the expeditionary army. So thinly were these states populated, so great were the distances to be overcome, and so extensive the lines of communication to be maintained by an invading force that the Liberals believed here at least they could make a final and successful stand.⁵⁷

The Juarist forces according even to the French estimate were over 17,000. General Uruga with about 6,000 was in the territory of Colima; Ortega with 4,000 in Durango; Doblado in Nuevo Leon with 3,000 or more, and Porfirio Diaz in Oajaca with 4,000 men.⁵⁸

Le Moniteur Universel began to prepare the way for the acceptance of the throne of Mexico by Maximilian by following the progress of the Franco-Mexican armies, and publishing the names of the towns that had declared their adherence to the intervention, the intention seemingly being to show that he would be justified in considering himself called to Mexico by the wishes of a majority of the population.⁵⁹

In spite of these favorable reports, in the Corps Législatif the opposition finally began to grow, headed by the band of five, Jules Favre,

⁵⁷ *American Annual Cyclop.* 1863, (Vol. III) 638, 1864 (Vol. IV,) 517.

⁵⁸ Bazaine to the Minister of War, 23 Feb. 1864, Garcia, *Docs. Inéditos*, XVII (*La Int. Francesa*, III,) 263.

⁵⁹ *Moniteur Universel*, Jan. 1, 2, 17, 26, Feb. 5, 17, 22, March 2, 3, 5, 1864. *L'Estafette* of Mexico of 28 Nov. 1863, is quoted as declaring that "the official acceptance of the Archduke Maximilian awaited with profound anxiety is regarded by the people of Mexico, almost accustomed to the idea of their political destruction, as a providential decision. . . . The adhesions which form one of the conditions of the acceptance of the Archduke have begun to be produced, and the question will be completely solved by the victorious march of the expeditionary army into the states of the interior. Wherever the flag of the intervention shows itself the people, freed from the oppression of the oligarchy, will declare for the French intervention and the empire. It is to-day only a matter of rations and a military promenade; without doubt before long the double vote of the assembly of notables will receive from one end of the country to the other the approval of all the voters, *Moniteur*, Jan. 1, 1864. Feb. 5, it declares in the cities as in the most humble villages the French troops are welcomed with cordiality and enthusiasm. Feb. 17, "It is useless to comment on the enthusiasm with which our troops are everywhere received. There is not a city which does not request that we leave or send them a detachment." Same number, "Almost all the important towns are actually in the power of the allied army," and their Mexican correspondence in March 5, dated Mexico, 27 Jan. 1864, states "the pacification is complete, and the last conditions made for the coming of the Archduke Ferdinand Maximilian are fulfilled."

Ernest Pecard, Henon, Darimon, and Emile Olliver, who through the session of 1863 had kept up their opposition.⁶⁰ When the reply to the throne was under consideration in the session, which opened on November 15, 1863, they proposed to amend the paragraph relating to Mexico to read, "We see with pain that the government persists in the expedition to Mexico. It is impossible for us to associate ourselves with that serious enterprize, and we are the interpreters of public opinion in demanding that it should come to an immediate end."⁶¹ An intense and bitter debate continued over three days, in which the whole expedition was reviewed. Guerolt on January 25, drew attention to the Emperor's famous letter to Forey, and attacked the principles expressed in it. He declared it his opinion that if it had not been for the civil war in the United States the scheme of establishing an Empire in Mexico would never have been entertained by the government. The ultimate success of the North was evident by this time, and he predicted there might yet be trouble.⁶²

Theirs on the next day condemned the policy of the government. He was of the opinion that it would be many years before Maximilian could be established firmly on the Mexican throne, and in the meantime loans to Mexico, and heavy military expenses must be borne by France. With the end of the war in the United States, he feared 50,000 or 100,000 adventurers thrown out of employment would cross the Rio Grande and complicate matters.⁶³ Berryer added his voice, and on January 27, Jules Favre declared that the Mexican people had not been consulted in the organization of the monarchy, expressed his doubt at the manner in which the popular vote was being taken, and suggested treating with Juarez.⁶⁴

M. Rouher replied that from the first the government had told the truth. It was satisfaction for French wrongs, protection for French citizens, with the probable necessity of going to the City of Mexico. It was realized if this was done the Juarez government could not be sustained and that there must be a new one. To treat with Juarez now

⁶⁰ *Annales du Sénat et du Corps Législatif, Sess., 1863-4, Tome I, 127-32, 139-48, 165.*

⁶¹ *Annales, Tome III, 267, 8.*

⁶² *Ibid., 268-73.*

⁶³ 280-95.

⁶⁴ 303, 312, 313-24.

would be to throw away the results of a successful campaign, to treat with Almonte would be to treat with an incompetent power. He stated that seven eighths of the Mexican population had been freed from the yoke of Juarez, and were about to express their wishes as to the form of government they preferred. These wishes would be respected by France.⁶⁶ The opposition was able to muster 47 votes for their amendment but were defeated by a majority of 124.⁶⁷

Maximilian as shown by his letters to Almonte was eager to take advantage of any pretext for formally accepting the crown and departing for his new empire, and soon expressed his willingness to accept the votes of the states of Morelia, San Luis Potosi, Guanajuato, and Guadalajara added to those adhesions presented to him on October 3, 1863, as a sufficient expression of the wishes of the Mexican people. He requested that these acts of adhesion should be transmitted to the president of the Mexican deputation to be presented to him at Miramar without delay.⁶⁸

Soon he began to make preparations for his departure. The Archduchess Charlotte went on a visit to Brussels, Maximilian went to meet her there, and on the sixth of March they went to Paris where they were met by Admiral Jurien de la Gravière and the Countess de la Peoze, and were received at once at the Tuilleries by the Emperor and Empress. They remained in Paris until March 13, being the centre of attraction, and given all the attentions paid to visiting royalty.⁶⁹ From Paris they went to England, Maximilian seemingly hoping that his presence might have some effect on the resolutions of the English Cabinet. Palmerston, while assuring him of his sympathies, in no way changed the line of conduct of his government. Queen Marie Amelie, grand-mother of the young archduchess, was living in exile at Claremonte. She, too, was visited, but her fears were unable to change the resolution taken.⁷⁰

⁶⁶ *Ibid.*, 325-334.

⁶⁷ 335.

⁶⁸ Maximilian to Almonte, 4 Nov. 1863, *Moniteur Universel*, 5 Feb. 1864.

Maximilian to Almonte, 26 Dec. 1863, Gaulot, *L'Expéd. du Mex.*, I, 254-5.

Maximilian to Almonte, 10 Jan. 1863, Gaulot, *L'Expéd. du Mex.*, I, 255-6.

⁶⁹ *Moniteur Universel*, March 6, 13, Gaulot, *L'Expéd. du Mexique*, I, 286-8.

⁷⁰ Adams to Seward, March 24, 1864, *House Ex. Docs. 39 Cong. 3rd Sess.*, Vol. II, *Mexican Affairs*, pt. II, p. 354; Gaulot, *L'Expéd. du Mexique*, I, 290-91.

Bancroft, *Hist. of Mexico*, VI, 185-6.

The archduke Maximilian was first agnate to the throne of Austria. As such, if the Emperor Francis Joseph should die without a male heir, he would have been called on by right to succeed to the throne. To avoid dynastic quarrels and to avoid the partition of the patrimonial property of the house of Austria, a family law imposes on every archduchess contracting marriage the obligation of signing an act of renunciation. By this engagement she undertakes not to raise for her self or her descendants of either sex any pretensions to the eventual succession to the throne, or to any participation in either the endowment raised on the patrimonial property, or the inheritances which might fall in ab intestate. The acceptance of a foreign crown by an archduke was a fact without precedent in the annals of the house of Hapsburg. Was it advisable to subject the archduke to the above mentioned law? The family council decided in the affirmative, and immediately after the return of Maximilian to Vienna the Count of Riechberg presented a document for his signature, consisting of a perpetual and irrevocable renunciation of all his claims until the death of all males in the family. This Maximilian refused to sign. His mother, the Archduchess Sophia exerted her influence in his behalf in vain. Maximilian threatened to embark on a French ship for Mexico, to which the Emperor Francis Joseph responded that in such a case he would address a message to Parliament to inform that body that the archduke having left Austria without his permission was deprived of all his rights as agnate, and to request that his name be stricken from the list of princes of the imperial family.

As the result of extended negotiations, in which Napoleon III used his influence to bring about an agreement, the wording of the Act was completely changed, in order to remove whatever might wound the prince's feelings, and to mention the spontaneousness of his resolution. As modified the pact was signed by Francis Joseph and Maximilian on April 9, 1864. By this act the Archduke renounced for himself and his heirs of both sexes all right to the eventual succession to the throne of Austria, so long as any male descendants of the other Archdukes were alive, and even surrendered the right of guardianship over a minor heir to the throne. In the case of the extinction of the other ducal lines, his descendants being Catholics would be called to the throne. Except in such a contingency, or unless there should be an essential

change in his situation he abandoned all claim to any share in the private fortune of the Archducal house.⁷⁰

The next, Sunday, April 10, 1864, the Mexican Deputation, consisting of Senores D. Guitierrez de Estrada, D. Ignacio Aguilar, D. José Hidalgo, General Woll, D. Antonio Escandon, D. Valesquez de Leon, and D. Angel Iglesias as secretary, was received by the Archduke Maximilian at his palace of Miramar.

With great formality the deputation was conducted to the grand drawing room of the palace, where Maximilian attired in the uniform of an Austrian Vice-admiral, and wearing the Order of the Golden Fleece, and the Grand Cross of St. Stephen, was waiting to receive them. Standing on his left was his beautiful wife, the Archduchess Carlotta, attired in rose-colored silk, trimmed with Brussels lace, and wearing a diadem, necklaces, and earrings of diamonds, and the Black Cord of the Order of Malta. The French and Belgian ministers, the commander of the French frigate *Thémis*, many Mexicans in addition to the deputation, and other distinguished personages were present. Estrada as president of the deputation delivered a speech in Spanish, expressing the joy felt by himself and his colleagues at finding themselves in the presence of their future Emperor, and stated that they came to announce that the vote of the Notables by which he had been designated for the crown of Mexico had been ratified by the enthusiastic adhesion of an immense majority of the country, by the municipal authorities, and the town corporations; and thus consecrated that unanimous proclamation had become by its moral importance and its numerical strength, truly a national vote, therefore, in accordance with his promise of October 3, 1863, they presented themselves to solicit the full and definite acceptance of the throne of Mexico.

The Archduke replying in Spanish, said that he no longer felt the slightest doubt, from the act of adhesion presented to him, that the immense majority of the country were in favor of the imperial form of government, and of himself as the head of the state. Another condition, that full guarantees should be given of his being able to devote himself peaceably to the task of advancing the prosperity of the country, was now fully assured, thanks to the magnanimity of the Emperor of the French, who, during the course of the negotiations had shown a spirit

⁷⁰ Text in Lefèvre, *Doc. Maximilian*, I, 364-6. c.f. Gaulot, *L'Expédition Mexique*, I, 291-304. *Dip. Corr.*, 1864, pt. III, 70-1.

of straightforwardness and kindness which he could not forget. The final condition, that the head of his family should give his consent, was also fulfilled. Therefore he solemnly accepted from the hands of the Mexican nation the crown which it offers, to be held only to create regular order, and establish wisely liberal institutions. He promised to place the monarchy under constitutional laws as soon as the pacification of the country should have been consummated, and to prove that liberty was compatible with a well-governed empire.

Estrada then returned thanks to the new Emperor for his acceptance. Maximilian then took the oath of office, the act being greeted with shouts of "Long live the Emperor," and "Long live the Empress." At the same time the imperial flag of Mexico was hoisted over the tower of the castle, to be welcomed by salutes from the castle of Triest, the Austrian frigate *Bellona*, and the French frigate *Thémis*. An account in duplicate of the event was then drawn up, signed by the Emperor, by the Deputation, and the Mexican notables present, and transmitted to the minister of Foreign Affairs and the Archives of the Imperial House. The audience then separated to meet again at a Te Deum where Maximilian appeared wearing the Order of Guadalupe, re-established by the Regency.⁷¹

The day of the ceremony the Regency was dissolved, and Almonte was commissioned Lieutenant General to act until the new Emperor should arrive in Mexico. Senor D. Joaquin Velazquez de Leon was appointed Minister of State and ministers plenipotentiary were appointed to the Courts of the Tuileries, St. James, the Holy See, and at Madrid, and Brussels. In case of the death of the Emperor or any other contingency which would prevent him from commencing to govern, the Empress was to be charged with the Regency of the Empire. As a reward for their services the more prominent of the interventionists were decorated with the Order of Guadalupe.⁷²

With the definite acceptance of the crown by Maximilian there was signed the same day the Convention of Miramar, the terms of which had already been agreed upon during Maximilian's visit to Paris. By this treaty the French troops in Mexico were to be reduced as soon as

⁷¹ Hall, *Mexico under Maximilian I*, 83-93, gives at length the speeches of Estrada, and Maximilian. *Dip. Corr.*, 1864, pt. III, 68-70, quoting *Galignani's Messenger and Memorial Diplomatique*; Gaulot, I, 306-11.

⁷² Hall, 83-5. Gaulot, I, 311-2.

possible to a corps of 25,000 men including the foreign legions, and as soon as the Emperor of Mexico should be able to organize the troops necessary to replace them, they should be withdrawn with the exception of the foreign legion, which, composed of 8,000 men, was to remain in Mexico six years after all the other French troops should be recalled.

So long as the requirements of the French army should necessitate a tri-monthly service of transports between France and Vera Cruz should be maintained and the expenses, 400,000 francs for each round trip, were to be paid by Mexico. The expenses of the French expedition, to July 1, 1864, was estimated at 270,000,000 francs, to be paid by Mexico with 3% interest per annum. After this time all the expenses of the Mexican army were to be paid by Mexico and for the pay and maintenance of the French troops after July 1, 1864, 1,000 francs a year for each man was to be paid by the Mexican government. This final sum was to be paid to the Paymaster General of the French army on the last day of every month.

The Mexican government was to pay at once the sum of 66,000,000 francs in bonds of the new loan at the rate of issue, of which 54,000,000 were to go toward the war indemnity, and 12,000,000 toward the indemnities due to French subjects. For the payment of the surplus of the war indemnity and other claims, 35,000,000 francs in specie were to be paid annually. To examine into the claims of French citizens a commission of three Frenchmen and three Mexicans was to meet at Mexico within three months to examine and determine their causes, and a commission of revision of two Frenchmen and two Mexicans was to meet at Paris to proceed to the definite liquidation of the claims acknowledged by the previous commission. The French Government agreed to set at liberty all Mexican prisoners of war as soon as the Emperor of Mexico should enter his states.

In addition there was annexed to this a secret preamble, and three additional articles, by which Maximilian gave his approval to the principles and policy contained in Forey's proclamation of June 12, 1863, and of the measures taken by the Regency and the French commander-in-chief in conformity to it. Napoleon promised that the French force of 38,000 men should be reduced only gradually, to 28,000 in 1865, 25,000 in 1866, and 20,000 in 1867, while the French officers

serving in the foreign legion were to retain their French citizenship and their right of advancement in the French army according to law.⁷³

The same day, two decrees were prepared providing for the raising of two corps of volunteers. The one was to be made up of Austrians which were to be composed of three battalions of infantry, two regiments of cavalry, two batteries, and two companies of pioneers, making a total effective force of two hundred and fifty officers and 7,300 men.

The other corps, known as the "Empress Guard," because made up of the countrymen of Carlotta, was to be raised in Belgium and consisted of 2,000 men. Colonel Matias Leissier was ordered to organize the first corps, while at Brussels, first Lt. General Chapelié and then Lt. Colonel Van der Smissen, had charge of the enlistment of the troops.⁷⁴

In order to establish the monarchy it was necessary that a public treasury be created and supplied with funds to meet the expenses of the government until it should become if possible self-supporting. It was a question how this could be accomplished in the case of an already insolvent country, and one whose future ability to pay its indebtedness might be well considered doubtful. However, thanks to the ability of M. Fould, French Minister of Finances, this difficulty was temporarily surmounted, altho it is only putting off the question of settlement to a later date. It was decided that a loan should be made on the credit of the new empire, of 221,600,000 francs, in six per cent bonds to be issued at a discount of 37%, or at 63 francs on the hundred. In order to give the loan some chance of success it was provided that a certain percentage of the money raised was to be put into the hands of the British creditors as part payment of their claims against Mexico. By this means the firm of Glyn Mills of London was interested, and joined with Periere of Paris to float the loan, or rather to encourage French citizens to invest their money in Mexican bonds so that the English creditors would be paid. Later the Societe du Credit Mobilier became associated in this matter, and the receivers general of the finances gave it their support.

It was expected that the loan would raise a capital of about 190,000,000 francs, but the public subscription was only 102,600,000 francs,

⁷³ Niox, *Exptd. du Mex.*, Appendix, VII, 743-5; Gaulot, *L'Exptd. du Mex.*, I, 288-9; *Dip. Corr.*, 1864, pt. III, 74-5; *Moniteur Universel*, April 17, 1864, No. 108, p. 508.

⁷⁴ Niox, *Exptd. du Mex.*, 362; Gaulot, *L'Exptd. du Mex.* I, 312; *Derecho International Mex.*, pt. II, 352-62.

and the cost of emission and the banker's commissions reduced it to not more than 96,000,000. Of this 22,000,000 went to pay the English creditors, Maximilian received about 8,000,000 to pay his debts and for travelling expenses. The rest was deposited entire in the *Caisse de dépôts et consignations* to guarantee the payment of the first two years interest. It was taken by the French treasury on account of the war expenses and indemnity as provided by the Treaty of Miramar. A Commissioner of Mexican Finances was established at Paris under the presidency of the Comte de Germiny, to represent the Mexican government in the financial operations necessitated by the loan.⁷⁶

The agent of the constitutional government in Europe, Senor P. Jesus Escobar y Armendariz, issued a protest, especially against the loan of April 10, and declared all acts of the interventionists void.⁷⁷

The new empire of Mexico, so far as it could be accomplished in Europe, was established. Maximilian was ready to depart to take possession of the throne prepared for him by the Emperor of France. On the way he had resolved to stop at Rome to visit Pope Pius IX, to receive his apostolic blessing and if possible to arrange a concordat to settle the vexatious problems growing out of the confiscation of the estates of the church.

On April 14, 1864, the young sovereigns embarked. The brother of Maximilian, Louis Victor, accompanied him as far as Rome. In the suite were General Woll, Senor Velazquez de Leon; the ladies of honor of the Empress; the Countesses Zichy and Colonitz; Count Zichy, Grand Master; the Chamberlains, Count de Bombelles and Marquis de Corio; Senor Iglesias, his Secretary; and Commander Ontiveras, Officer of Orders.⁷⁸

As they entered the *Navarra*, amid the roar of artillery, and the enthusiastic applause of the crowds that lined the shore, little did any one foresee that in less than three years the light of reason would have departed from the lovely eyes of the young empress, and no presentment of the 19th day of June, 1867, dimmed the glory of that April morning.

⁷⁶ Lefèvre, *Doc. Maximilien*, I, 142-151; Niox, *Exptd. du Mex.*, 359-361; Gaulot, I, 312; *House Ex. Docs. 39 Cong. 1st Sess.*, Vol. XI, *Mexican Affairs*, pt. I, 27-8, 58-62, pt. II, 354, 366, 411, 508, *ibid.*, 29 *Cong. 2nd Sess.*, Vol. XII, *Mex. Affairs*, 149, 154, 172. *The Nation*, III, No. 63, (Sept. 13, 1866) 211-2.

⁷⁷ *House Ex. Docs. 39 Cong. 1st Sess.*, XI, *Mex. Affairs*, pt. I, 31-2.

⁷⁸ Hall, *Mexico under Maximilian I*, 96-7.

No vision appeared before their eyes of the same vessel with her flag at half-mast, bearing sadly back to Mirimar the body of Ferdinand Maximilian, sometime Emperor of Mexico.⁷⁸

⁷⁸ For the causes of the downfall of the Intervention, see C. A. Duniway, "Reasons for the withdrawal of the French from Mexico"—*American Historical Association Reports*, 1902, Vol. I, pp. 315-328.

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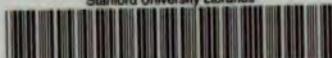
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